

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

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6 *****
7 IN RE:
8 NATIONAL PRESCRIPTION OPIATE MDL No. 2804
 LITIGATION Case No. 17-md-2804
9 Hon. Dan A. Polster

 This document relates to:

10
 All cases

11

12
13 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
14 CONFIDENTIALITY REVIEW
15 VIDEOTAPED DEPOSITION OF:
16 AMY PROPATIER
17 MOTLEY RICE
18 55 Cedar Street
19 Providence, Rhode Island
20 November 29, 2018 9:15 a.m.
21
22 Darlene M. Coppola
23 Registered Merit Reporter
24 Certified Realtime Reporter

Page 2	Page 4
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Page 3	Page 5
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Page 6	Page 8																																												
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Page 7	Page 9																																												
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3 Witness Name	Page																																												
4 AMY PROPATIER																																													
5 Direct By Mr. Baker	14																																												
6 Continued Direct By Mr. Baker	201																																												
7 Cross By Mr. Goetz	299																																												
8																																													
9 EXHIBITS																																													
10 Propatier-CVS Description	Page																																												
11 No. 2 Diversion Control Division Document	19																																												
12																																													
13 No. 1 Subchapter 1, Control and Enforcement, Part C, Section 823, of 21 U.S. Code	21																																												
14																																													
15 No. 3 United States Drug Enforcement Administration Office of Diversion Control Chart	23																																												
16																																													
17																																													
18 No. 19 Press Release, CVS-MDLT1-000003070 through 3071	40																																												
19																																													
20 No. 23 E-mail, CVS-MDLT1-000003749 through 3777	43																																												
21																																													
22 No. 25 Track One, CVS-MDLT1-000007362 through 364	56																																												
23																																													
24																																													

Highly Confidential - Subject to Further Confidentiality Review

Page 10			Page 12		
1	INDEX		1	INDEX	
2	EXHIBITS		2	EXHIBITS	
3	Propatier-CVS Description	Page	3	Propatier-CVS Description	Page
4	No. 100 CVS SOP	58	4	No. 34 Copies of DOJ Business Cards,	257
5	CVS-MDLT1-000034375		5	CVS-MDLT1-000010525	
6	through 378		6	and 530	
7	No. 37 E-mail dated 1/14/2014	61	7	No. 33 Inventory,	260
8	and Attached Letter		8	CVS-MDLT1-000010522	
9	dated December 27, 2007		9	and 558	
10	No. 61 E-mail	68	10	No. 92 E-mail,	267
11	CVS-MDLT1-000055266		11	CVS-MDLT1-000083855	
12	through 269		12	No. 101 E-mail,	275
13	No. 12 SOM Program	72	13	CVS-MDLT1-000090581	
14	CVS-MDLT1-000002188		14	with attachment	
15	No. 98 E-mail	83	15	No. 99 E-mail,	278
16	CVS-MDLT1-000089188		16	CVS-MDLT1-000089768	
17	No. 97 E-mail	87	17	No. 78 Settlement Agreements,	281
18	CVS-MDLT1-000088956		18	CVS-MDLT1-0000805,	
19	through 89025		19	856, 872, 907, 847,	
20	No. 94 E-mail	93	20	839	
21	CVS-MDLT1-000087889		21	No. 223 E-mail,	301
22	through 890		22	CVS-MDLT1-000066963	
23	No. 81 E-mail	97	23	through 966	
24	CVS-MDLT1-000075299		24	No. 224 Shared P&Ps,	305
	through 5312			CVS-MDLT1-000066969	
	No. 36 E-mail	105		through 976	
	CVS-MDLT1-000012286			No. 62 E-mail,	309
	No. 17 Memorandum	109		CVS-MDLT1-000013534	
	CVS-MDLT1-000024539			through 536	
	through 552				
	No. 67 E-mail	114			
	CVS-MDLT1-000055834				
Page 11			Page 13		
1	INDEX		1	INDEX	
2	EXHIBITS		2	PREVIOUSLY MARKED EXHIBITS -- REFERRED TO	
3	Propatier-CVS Description	Page	3	Exhibit Description	Page
4	No. 82 E-mail	118	4	No. 204 SOP Manual Excerpt,	75
5	CVS-MDLT1-000075542		5	CVS-MDLT1-000008506	
6	No. 55 Business Idea	122	6	through 8571	
7	Description		7	No. 205 E-mail,	163
8	CVS-MDLT1-000034175		8	CVS-MDLT1-000066574	
9	through 177		9	and 575	
10	No. 54 E-mail	134	10	No. 203 SOP Manual,	168
11	CVS-MDLT1-000034168		11	CVS-MDLT1-000066576	
12	through 171		12	through 6641	
13	No. 53 E-mail	203	13		
14	CVS-MDLT1-000033579		14		
15	through 581		15		
16	No. 45 E-mail	210	16		
17	CVS-MDLT1-000022896		17		
18	through 22900		18		
19	No. 104 E-mail	212	19		
20	CVS-MDLT1-000103329		20		
21	No. 76 E-mail	225	21		
22	CVS-MDLT1-000059258		22		
23	through 260		23		
24	No. 102 E-mail	231	24		
	CVS-MDLT1-000091508				
	through 518				
	No. 68 E-mail	239			
	CVS-MDLT1-000057736				
	and 737				
	No. 103 E-mail	251			
	CVS-MDLT1-000093961				

<p style="text-align: right;">Page 14</p> <p>1 THE VIDEOGRAPHER: We are now on 2 the record. My name is Robert Martignetti. 3 I'm a videographer for Golkow Litigation 4 Services. Today's date is November 29, 2018 5 and the time is 9:15 a.m. This is this video 6 deposition is being held in Providence, Rhode 7 Island. In re: National Prescription Opiate 8 Litigation. The deponent is Amy Propatier. 9 Counsel will be noted on the stenographic 10 record. The court reporter is Darlene Coppola 11 and will now swear in the witness. 12 13 AMY PROPATIER, 14 witness, having first been 15 satisfactorily identified and duly sworn, 16 testifies and states as follows: 17 18 DIRECT EXAMINATION 19 BY MR. BAKER: 20 Q. Good morning. My name's William 21 Baker. Today's date is November 29, 2018 and 22 we are here with Ms. Amy Propatier; is that 23 correct? 24 A. Propatier.</p>	<p style="text-align: right;">Page 16</p> <p>1 for the distribution centers, so I was support 2 between the distribution centers and the 3 corporate office, just helping them contact 4 people in the corporate office for support for 5 store ordering, standard operating procedures. 6 Q. Where did you move to in 2006? 7 A. In 2006? 8 Q. What was your position in 2006? 9 A. Oh, it was still -- it was called 10 hazardous material and logistics liaison. 11 Q. What did you do in 2007? 12 A. The same position. 13 Q. What did you do in 2008? 14 A. My position changed to logistics Rx 15 services manager. 16 Q. What is an Rx services manager? 17 A. It was a similar position. I was a 18 liaison between the distribution center and 19 the corporate office. I was doing ARCOS 20 reporting, state drug reporting, SOP 21 consolidation and maintenance, coding 22 hazardous materials that came into the 23 distribution centers. 24 Q. What did you do in 2009?</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Propatier. Could you please tell us 2 who your employer is? 3 A. CVS Pharmacy. 4 Q. How long have you been employed with 5 CVS Pharmacy? 6 A. Since May of 1999. 7 Q. What was your position when you first 8 came onboard in May of 1999? 9 A. I was the customer service rep for 10 store services. 11 Q. Was that in retail? 12 A. It was at the corporate office, yes, 13 for retail stores. 14 Q. Did that include pharmaceutical 15 products? 16 A. No. 17 Q. When did you change positions? 18 A. I changed positions in 2003 to 19 transportation and in 2005 that position moved 20 to logistics planning where I started getting 21 involved in pharmaceuticals. 22 Q. What is was your job in 23 pharmaceuticals in 2005? 24 A. 2005, I was called a logistics liaison</p>	<p style="text-align: right;">Page 17</p> <p>1 A. The same position. 2 Q. What about 2010? 3 A. Same position. 4 Q. Have you maintained that same position 5 since 2008? 6 A. No. I changed positions in February 7 of 2014. 8 Q. To what? 9 A. A pharmacy inventory manager. 10 Q. So if we were to describe what your 11 position was from 2006 through 2014, begin 12 with 2006, and then tell us what it was. 13 A. My position? 14 Q. Yes, ma'am. 15 A. Oh. I was hazardous materials 16 specialist and logistics liaison. 17 Q. And then in 2008 is when you switched? 18 A. The position evolved, yes, to the 19 logistics Rx services manager. 20 Q. So physically where were you located 21 from 2008 forward? 22 A. One CVS Drive in Woonsocket, Rhode 23 Island. 24 Q. That's near Providence, correct?</p>

<p style="text-align: right;">Page 18</p> <p>1 A. Yes.</p> <p>2 Q. Are you familiar with the term</p> <p>3 "narcotics"?</p> <p>4 A. Yes.</p> <p>5 Q. Do you agree that opioids are</p> <p>6 narcotics?</p> <p>7 A. Yes.</p> <p>8 Q. Do you agree that hydrocodone and</p> <p>9 hydrocodone combination products are</p> <p>10 narcotics?</p> <p>11 A. Yes.</p> <p>12 Q. Do you agree that OxyContin is</p> <p>13 narcotics?</p> <p>14 A. Yes.</p> <p>15 Q. Do you agree that a oxymorphone is</p> <p>16 narcotics?</p> <p>17 A. Yes.</p> <p>18 Q. Do you agree that narcotics are drugs</p> <p>19 that are controlled under the federal law of</p> <p>20 the Controlled Substances Act?</p> <p>21 A. Yes.</p> <p>22 Q. Could you pull up Exhibit No. 2,</p> <p>23 please?</p> <p>24</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Are you familiar with that?</p> <p>2 Let me read it to you. It says, "The</p> <p>3 registrant shall design and operate a system</p> <p>4 to disclose to the registrant suspicious</p> <p>5 orders of controlled substances. The</p> <p>6 registrant shall inform the field division</p> <p>7 office of the administration in his area of</p> <p>8 suspicious orders when discovered by the</p> <p>9 registrant. Suspicious orders include orders</p> <p>10 of unusual size, orders deviating</p> <p>11 substantially from a normal pattern, and</p> <p>12 orders of unusual frequency."</p> <p>13 Did I read that correctly?</p> <p>14 A. Yes.</p> <p>15 Q. Are you familiar with that law?</p> <p>16 A. Yes.</p> <p>17 Q. Is that law part of what guides you in</p> <p>18 your job?</p> <p>19 A. In my job today?</p> <p>20 Q. Yes, ma'am, in your job between 2008</p> <p>21 and 2014.</p> <p>22 It's a yes or no.</p> <p>23 A. Yes.</p> <p>24 Q. Were you guided by that law in your</p>
<p style="text-align: right;">Page 19</p> <p>1 (Exhibit No. 2 marked for</p> <p>2 identification.)</p> <p>3</p> <p>4 BY MR. BAKER:</p> <p>5 Q. And could you highlight Section</p> <p>6 1301.74B?</p> <p>7 MR. BUSH: Could you give us the</p> <p>8 copy?</p> <p>9 MR. BAKER: I'm sorry, sir.</p> <p>10 VOICE: If you could read into</p> <p>11 the record what Exhibit 2 is, that would be</p> <p>12 much appreciated.</p> <p>13 MR. BAKER: Okay. Exhibit 2 is</p> <p>14 a copy of Title 21, Code of Federal</p> <p>15 Regulation, Part 1301, specifically directing</p> <p>16 you to Part 1301.74, Subparagraph B.</p> <p>17 MR. BUSH: This was Exhibit 2;</p> <p>18 is that correct?</p> <p>19 MR. BAKER: Yes, yes.</p> <p>20 BY MR. BAKER:</p> <p>21 Q. Do you see that?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Yes, ma'am?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 21</p> <p>1 job between 2008 and 2014?</p> <p>2 A. Yes.</p> <p>3 Q. Let's go to exhibit -- let's go to</p> <p>4 Exhibit 1, please.</p> <p>5</p> <p>6 (Exhibit No. 1 marked for</p> <p>7 identification.)</p> <p>8</p> <p>9 MR. BAKER: Exhibit 1 is</p> <p>10 Subchapter 1, Control and Enforcement, Part C,</p> <p>11 Section 823, of 21 U.S. Code.</p> <p>12 BY MR. BAKER:</p> <p>13 Q. Could you highlight, at the bottom,</p> <p>14 Subsection E, Parentheticals 1 and 2?</p> <p>15 Let me read this to you. It's titled</p> <p>16 21 U.S. Code, Section 823, Subsection E,</p> <p>17 Parenthetical 1 and 2.</p> <p>18 It says, "The attorney general" --</p> <p>19 it's talking about distributors of controlled</p> <p>20 substances in Schedules III, IV, or V.</p> <p>21 "The attorney general shall register</p> <p>22 an applicant to distribute controlled</p> <p>23 substances in Schedule III, IV, V unless he</p> <p>24 determines that the issuance of such</p>

<p style="text-align: right;">Page 22</p> <p>1 registration is inconsistent with the public 2 interest. In determining the public interest, 3 the following factors shall be considered: 4 No. 1, maintenance of effective controls 5 against diversion of particular controlled 6 substances into other than legitimate medical 7 scientific and industrial channels; 8 Subparagraph 2, compliance with applicable 9 state and local law." 10 Did I read that correctly? 11 A. Yes. 12 Q. Have you seen this law before? 13 A. I can't say that I've read it directly 14 from here, no. 15 Q. Have you been tutored in this law 16 within your job or trained in this law within 17 your job? 18 A. Yes. 19 Q. Between the period of 2008 through 20 2014, who trained you in this law within your 21 job? 22 A. I can't recall a particular person 23 that trained me in this law. 24 Q. Were you guided by this law in your</p>	<p style="text-align: right;">Page 24</p> <p>1 THE VIDEOGRAPHER: The time is 9:28 2 a.m. On the record. 3 BY MR. BAKER: 4 Q. Could you pull up Exhibit 3, please? 5 Exhibit 3 is a United States Drug Enforcement 6 Administration Office of Diversion Control 7 chart depicting a bar graph of drug-poisoning 8 deaths involving opioid analgesics or heroin 9 in the United States from 1999 through 2013. 10 Ma'am, my question is have you ever 11 seen this chart before? 12 A. No. 13 Q. Ma'am? 14 A. No. 15 Q. As part of your job, you are 16 responsible for DEA compliance of CVS with 17 respect to their suspicious order monitoring 18 programming; am I correct? 19 A. No. 20 Q. As part of your job, what do you do to 21 reference the DEA website, if anything? 22 A. I didn't need to reference the website 23 for my job. 24 Q. Let me ask you, are you familiar with</p>
<p style="text-align: right;">Page 23</p> <p>1 job between 2008 and 2014? 2 A. Yes. 3 Q. Do you agree that you had a duty to 4 follow this law between 2008 and 2014 in your 5 position with CVS? 6 A. Yes. 7 Q. Would you agree that this country has 8 been in the midst of an opioid crisis for the 9 past ten years? 10 A. Yes. 11 Q. Could you pull up Exhibit 3, please? 12 13 (Exhibit No. 3 marked for 14 identification.) 15 16 MR. BAKER: It's composite 17 Exhibit 3. Off record while that's being 18 pulled up. 19 THE VIDEOGRAPHER: The time is 20 9:25 a.m. We're off the record. 21 22 (Recess taken from 9:25 a.m. 23 to 9:28 a.m.) 24</p>	<p style="text-align: right;">Page 25</p> <p>1 who the DEA is? 2 A. Yes. 3 Q. Okay. That's the Drug Enforcement 4 Administration, which is an arm of the 5 Department of Justice of the United States. 6 You understand that, correct? 7 A. Yes. 8 Q. And you understand that the DEA is who 9 CVS would report suspicious orders to in the 10 event that their suspicious order monitoring 11 program showed a suspicious order to exist? 12 A. Yes. 13 Q. And do you do that as part of your 14 job? Do you help do that? 15 A. No. 16 Q. Are you familiar with the statistics 17 depicted in this chart that I'm showing in 18 front of you? Do you see the statistics 19 there? 20 A. Yes. 21 Q. Are you familiar with those 22 statistics? 23 A. Familiar as in knowing them offhand, 24 no.</p>

Page 26

1 Q. Are you familiar with them in general
2 knowing that there has been a steady increase
3 in the number of thousands of deaths that have
4 occurred as a result of drug-poisoning deaths
5 involving opioid and analgesics or heroin in
6 the United States from 1999 to 2013?

7 A. No.

8 Q. You didn't know that?

9 A. Not these numbers, no.

10 Q. But you knew in general that --

11 A. Oh, in general --

12 Q. That there was --

13 A. -- yes.

14 Q. You knew in general that there was an
15 increase in the thousands of drug-poisoning
16 deaths involving opioid analgesics or heroin
17 in the United States from 1999 to 2013,
18 correct?

19 A. Yes.

20 Q. And you see that that number reached,
21 from 1999, a figure of 4,000 all the way up to
22 16.9 thousand in 2011 and it stayed at about
23 that 16,000 level all the way through 2013
24 and -- 2012 and 2013. Do you see that?

Page 27

1 A. Yes.

2 Q. Do you see what that comparison is to
3 the deaths of heroin?

4 A. Yes.

5 Q. For instance, in 2013, heroin deaths
6 accounted for 8.3 million deaths whereas
7 opioid analgesic deaths were at 16.2 million,
8 correct?

9 A. Yes.

10 MR. BUSH: Objection.

11 BY MR. BAKER:

12 Q. Is that what the chart indicates?

13 A. Yes.

14 Q. Does the chart indicate, according to
15 DEA statistics, that there were 8.3 million
16 heroin deaths in the year 2013 and 16.2
17 million opioid analgesics deaths? Does the
18 chart indicate that?

19 A. No. It says thousands.

20 Q. 8.3 thousand, I'm sorry. And 16.2
21 thousand opioid deaths?

22 A. Yes.

23 Q. Is that correct?

24 A. (Witness nodding.)

Page 28

1 Q. That's all part of your knowledge of
2 the fact there's an opioid epidemic in the
3 United States that's been going on for over
4 ten years; is that correct?

5 MR. BUSH: Objection.

6 BY MR. BAKER:

7 Q. Is that correct, ma'am?

8 A. Can you say that again?

9 Q. This helps with your knowledge of the
10 fact that there's been an opioid epidemic in
11 the United States for at least the past ten
12 years?

13 MR. BUSH: Objection.

14 MR. BAKER: I'll withdraw the
15 question.

16 BY MR. BAKER:

17 Q. Could you move on to the next chart,
18 please? Go to the U.S. rate of opioid
19 overdose death sales and treatment admissions
20 from 1999 to 2010.

21 MR. BUSH: Hold on, could you
22 show me that chart because this is not in the
23 same order?

24 MR. BAKER: Right here.

Page 29

1 MR. BUSH: This one?

2 MR. BAKER: This one right here.

3 BY MR. BAKER:

4 Q. Have you ever seen this chart that's
5 published by the United States Drug
6 Enforcement Administration?

7 A. No.

8 Q. I'd like you to look at that chart for
9 the period between 1999 and 2010. And it
10 graphs the correlation between opioid sales,
11 opioid deaths, and opioid treatment
12 admissions; is that correct?

13 A. Yes.

14 Q. Okay. Do you see the top line, opioid
15 sales -- the increase in opioid sales from
16 1999 to 2000. Do you see that, the rate of
17 increase?

18 A. Yes.

19 Q. Okay. And do you see the rate of
20 increase in opioid deaths correlate with that
21 in the red line right below it?

22 A. Yes.

23 MR. BUSH: Objection.

24 BY MR. BAKER:

<p style="text-align: right;">Page 30</p> <p>1 Q. Do you see that, ma'am?</p> <p>2 A. Yes.</p> <p>3 Q. Would you agree that those two lines</p> <p>4 correlate, meaning that the number of opioid</p> <p>5 sales, as opioid sales have increased over</p> <p>6 that same period of time, between 1999 and</p> <p>7 2010, so have opioid deaths correspondingly</p> <p>8 increased?</p> <p>9 MR. BUSH: Objection.</p> <p>10 BY MR. BAKER:</p> <p>11 Q. Would you agree with that?</p> <p>12 MR. BUSH: I'm sorry, objection.</p> <p>13 BY MR. BAKER:</p> <p>14 Q. Ma'am?</p> <p>15 A. I can't say I agree.</p> <p>16 Q. Would you agree that those lines run</p> <p>17 parallel to each other upward on the graph?</p> <p>18 MR. BUSH: Objection.</p> <p>19 BY MR. BAKER:</p> <p>20 Q. Just look at the red line and look at</p> <p>21 the green line. Would you agree that those</p> <p>22 lines --</p> <p>23 A. Uh-huh.</p> <p>24 Q. -- correlate and run parallel to each</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Would you agree there's a correlation</p> <p>2 between opioid treatment, opioid deaths, and</p> <p>3 opioid sales as depicted by this graph of</p> <p>4 reporting information through the United</p> <p>5 States Drug Enforcement Administration?</p> <p>6 MR. BUSH: Objection.</p> <p>7 A. I can't say what the correlation is.</p> <p>8 BY MR. BAKER:</p> <p>9 Q. You can't say that looking at this</p> <p>10 graph? Honestly, look at this graph and tell</p> <p>11 me whether you think you could or couldn't say</p> <p>12 that.</p> <p>13 MR. BUSH: Objection.</p> <p>14 A. I can't say what the correlation is.</p> <p>15 BY MR. BAKER:</p> <p>16 Q. Can you say that those lines do</p> <p>17 correlate?</p> <p>18 A. I can say the line increased.</p> <p>19 Q. That they do correlate?</p> <p>20 MR. BUSH: Objection.</p> <p>21 A. I can say it increased.</p> <p>22 BY MR. BAKER:</p> <p>23 Q. That they increased correspondingly?</p> <p>24 MR. BUSH: Objection.</p>
<p style="text-align: right;">Page 31</p> <p>1 other increasingly between 1999 and 2010; yes</p> <p>2 or no?</p> <p>3 MR. BUSH: Objection.</p> <p>4 BY MR. BAKER:</p> <p>5 Q. Ma'am?</p> <p>6 A. Yes, they're parallel.</p> <p>7 Q. Okay. That would show correlation</p> <p>8 between those two; is that correct?</p> <p>9 MR. BUSH: Objection.</p> <p>10 BY MR. BAKER:</p> <p>11 Q. Opioid sales and opioid deaths,</p> <p>12 correct?</p> <p>13 MR. BUSH: Objection.</p> <p>14 BY MR. BAKER:</p> <p>15 Q. Yes?</p> <p>16 A. I can't say what the correlation is.</p> <p>17 Q. Would you look at the -- at the next</p> <p>18 line, opioid treatment admissions? Does that</p> <p>19 line also run parallel to the lines above it,</p> <p>20 which is opioid deaths and opioid sales?</p> <p>21 MR. BUSH: Objection.</p> <p>22 BY MR. BAKER:</p> <p>23 Q. Yes or no?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 33</p> <p>1 A. I don't know.</p> <p>2 BY MR. BAKER:</p> <p>3 Q. You don't know from looking at this</p> <p>4 chart? Look at this chart, ma'am. Look at</p> <p>5 those three lines.</p> <p>6 A. Yeah.</p> <p>7 Q. Using common sense, would you say that</p> <p>8 those three lines run parallel to each other</p> <p>9 correlate; yes or no?</p> <p>10 MR. BUSH: Objection.</p> <p>11 A. I can say they run parallel. I don't</p> <p>12 know how they correlate. I can't say how they</p> <p>13 correlate.</p> <p>14 BY MR. BAKER:</p> <p>15 Q. Could you pull up the top ten list,</p> <p>16 please, as the next chart? It's the United</p> <p>17 States Drug Enforcement Administration top ten</p> <p>18 list of consumers in kilograms of opioid</p> <p>19 analgesics.</p> <p>20 MR. BUSH: Objection. Actually,</p> <p>21 my objection is I don't really see where it</p> <p>22 says that.</p> <p>23 MR. BAKER: Narcotic drugs in</p> <p>24 grams. We'll just go with narcotic drugs in</p>

Page 34

1 grams. The source
2 BY MR. BAKER:
3 Q. Let's do it this way. Let's go to
4 this chart right here.
5 Have you ever seen this chart?
6 A. No.
7 Q. Are you familiar with the statistics
8 reported by the United States DEA that the
9 U.S. was the country, in 2012, with the
10 highest consumption of hydrocodone, which is
11 approximately 45.5 tons or 99 percent of
12 global consumption? Were you familiar with
13 that?
14 A. No.
15 Q. Would you agree that this chart
16 indicates that?
17 A. The chart -- yeah.
18 Q. Yes?
19 A. Yes, the statement indicates it.
20 Q. Would you go to the next chart, which
21 is the Ohio -- 2012 Ohio drug overdose deaths
22 chart. Do you see that chart? Do you have
23 that chart in front of you, ma'am?
24 A. Yes.

Page 35

1 Q. Do you see at the bottom where the
2 source of this information is the Ohio
3 Department of Health Office of Vital
4 Statistics Analysis Conducted by Injury
5 Prevention Program? Do you see that?
6 A. Yes.
7 Q. So this is a publication by the Ohio
8 Department of Health. Are you familiar with
9 the Ohio Department of Health?
10 MR. BUSH: Objection.
11 A. Familiar with it?
12 BY MR. BAKER:
13 Q. Yes, ma'am.
14 A. I've heard of it. I can't say how
15 familiar I am.
16 Q. Do you see what's reported in there?
17 At the top of that chart, it says, "Drug
18 overdose deaths continued to be a public
19 crisis in Ohio with a 366 percent increase in
20 the number of deaths from 2000 to 2012."
21 And it references that chart at the bottom.
22 Do you see it?
23 A. Yes.
24 Q. Do you see there where it says that

Page 36

1 opioid -- "Opioids, prescription or heroin,
2 remain the driving factor behind the
3 unintentional drug overdose epidemic in Ohio.
4 Approximately two-thirds or 1,272 or 66.5
5 percent of the drug overdoses involved any
6 opioid in 2012 similar to 2011."
7 Do you see that?
8 A. Uh-huh.
9 Q. Is that yes?
10 A. Yes.
11 Q. Is that all part of a crisis that you
12 have been aware of that's been going on in the
13 United States for the past several years?
14 MR. BUSH: Objection.
15 BY MR. BAKER:
16 Q. When I asked you initially in your
17 deposition if you were familiar with the
18 opioid crisis that was going on in the United
19 States for the past ten years, your answer was
20 yes; is that correct?
21 MR. BUSH: Objection.
22 A. Yes.
23 BY MR. BAKER:
24 Q. Okay. Is this part of what you're

Page 37

1 talking about, the increased opioid deaths in
2 Ohio as depicted in this chart?
3 MR. BUSH: Objection.
4 BY MR. BAKER:
5 Q. Is this what you're talking about?
6 A. I can't say specifically.
7 Q. Can you say generally that's what
8 you're talking about?
9 MR. BUSH: Objection.
10 A. Generally, yes.
11 BY MR. BAKER:
12 Q. Okay. Do you see where it says, right
13 below that, "Prescription opioids are involved
14 in most of the unintentional drug overdoses
15 and have largely driven the rise in deaths
16 over the past decade."
17 Do you see that?
18 A. Yes.
19 Q. Would you agree with that statement?
20 MR. BUSH: Objection.
21 A. I -- I don't have enough information.
22 BY MR. BAKER:
23 Q. Would you disagree with that
24 statement?

<p style="text-align: right;">Page 38</p> <p>1 MR. BUSH: Objection.</p> <p>2 A. I can't agree or disagree.</p> <p>3 BY MR. BAKER:</p> <p>4 Q. Could you pull up the next chart,</p> <p>5 which is the drug diversion migration out of</p> <p>6 Florida? Have you seen this chart before?</p> <p>7 A. No.</p> <p>8 Q. You have not?</p> <p>9 A. No.</p> <p>10 Q. Are you familiar with what's called</p> <p>11 the opioid express?</p> <p>12 MR. BUSH: Can I just make a</p> <p>13 statement, Bill, on the record? This, at</p> <p>14 least the version of this I'm seeing on the</p> <p>15 screen and in our copy, is largely</p> <p>16 illegible.</p> <p>17 MR. BAKER: This is how it was</p> <p>18 presented to us in the CVS documentation.</p> <p>19 MR. BUSH: Okay.</p> <p>20 MR. BAKER: Okay. So we just</p> <p>21 have to live with it.</p> <p>22 MR. BUSH: It does say McKesson</p> <p>23 at the top. This is a CVS document.</p> <p>24 MR. BAKER: This is a CVS</p>	<p style="text-align: right;">Page 40</p> <p>1</p> <p>2 (Exhibit No. 19 marked for</p> <p>3 identification.)</p> <p>4</p> <p>5 MR. BUSH: Can I have a copy of</p> <p>6 that? Thank you.</p> <p>7 BY MR. BAKER:</p> <p>8 Q. Now, this is a CVS document that's</p> <p>9 Bates Numbered 3070 and 3071. Do you see that</p> <p>10 at the bottom?</p> <p>11 A. Yes.</p> <p>12 Q. Any time you see that in the context</p> <p>13 of this litigation, that means that's a</p> <p>14 document that's been produced to plaintiff's</p> <p>15 counsel by CVS as part of a request for</p> <p>16 production in this case. So you'll know that</p> <p>17 this is a CVS document. Fair enough?</p> <p>18 A. Yes.</p> <p>19 Q. Do you see at the top where this is an</p> <p>20 e-mail from the United States Drug Enforcement</p> <p>21 Administration to Judy Hughes of CVS on</p> <p>22 8/21/2014?</p> <p>23 A. Yes.</p> <p>24 Q. Do you know who Judy Hughes is?</p>
<p style="text-align: right;">Page 39</p> <p>1 document. I'll show you, but it is a CVS</p> <p>2 document.</p> <p>3 MR. BUSH: Okay. I accept your</p> <p>4 representation.</p> <p>5 MR. BAKER: Okay.</p> <p>6 BY MR. BAKER:</p> <p>7 Q. Have you seen this document before?</p> <p>8 A. No.</p> <p>9 Q. Are you familiar with the Oxy Express?</p> <p>10 Are you familiar with that?</p> <p>11 A. No.</p> <p>12 Q. Are you familiar with the way drugs</p> <p>13 are diverted out of Florida up through states</p> <p>14 north of Florida into Ohio?</p> <p>15 A. No.</p> <p>16 Q. You're not familiar with that?</p> <p>17 A. No.</p> <p>18 Q. Let's move on. Could you pull up</p> <p>19 Exhibit 103, please. Strike that.</p> <p>20 Let's pull up Exhibit No. 19, please,</p> <p>21 and go to page 2.</p> <p>22 MR. BAKER: We'll mark that as</p> <p>23 the next number.</p> <p>24</p>	<p style="text-align: right;">Page 41</p> <p>1 A. Yes.</p> <p>2 Q. Who is she?</p> <p>3 A. She works in loss prevention.</p> <p>4 Q. She works in loss prevention?</p> <p>5 A. (Witness nodding.)</p> <p>6 Q. Do you see that this was a press</p> <p>7 release that was published and given to Ms.</p> <p>8 Hughes at CVS? Do you see that?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Yes?</p> <p>11 A. Yes.</p> <p>12 Q. Were you provided this information as</p> <p>13 well?</p> <p>14 A. Not that I recall.</p> <p>15 Q. Go to the second page of that document</p> <p>16 at the top. Do you see the second sentence</p> <p>17 there?</p> <p>18 Highlight that, the current analysis.</p> <p>19 Keep going. It says, "The current analysis of</p> <p>20 HCP" Now stop.</p> <p>21 HCP, you know to be hydrocodone</p> <p>22 combination products, correct?</p> <p>23 A. I did not know that was --</p> <p>24 Q. For instance, hydrocodone</p>

Page 42

1 acetaminophen, or Lortab, is an HCP. Did you
2 know that?
3 A. I did not know that.
4 Q. Did you know that Vicodin is an HCP, a
5 hydrocodone combination product?
6 A. No.
7 Q. Okay. Any time you see HCP, do you
8 now understand that's what we're talking
9 about?
10 A. Yes.
11 Q. So the current analysis of HCPs by
12 Health and Human Services, which is HHS, and
13 DEA, which is the Drug Enforcement Agency,
14 shows they had "a high potential for abuse and
15 abuse may lead to severe psychological or
16 physical depends. Adding non-narcotic like
17 acetaminophen to a hydrocodone does not
18 diminish its abuse potential. The many
19 findings by the DEA and HAS (sic) and the data
20 that support these findings are presented in
21 detail in the final rule on the website."
22 Did I read that correctly?
23 A. Yes.
24 Q. And is this, according to the

Page 43

1 documentation, a press release that was sent
2 to Judy Hughes at CVS --
3 MR. BUSH: Objection.
4 BY MR. BAKER:
5 Q. -- on 8/21/2014?
6 A. (Witness reviews document.)
7 Yes.
8 MR. BUSH: Excuse me, what
9 number was that? Was that --
10 MR. BAKER: That's all part of
11 Exhibit No. 19.
12 MR. BUSH: Exhibit 19, okay.
13 Thank you.
14 BY MR. BAKER:
15 Q. Could you go to Exhibit No. 23,
16 please?
17
18 (Exhibit No. 23 marked for
19 identification.)
20
21 BY MR. BAKER:
22 Q. Are you familiar with a person by the
23 name of Dean Vanelli?
24 A. Yes.

Page 44

1 Q. Who is Dean Vanelli?
2 A. He's the Director of Logistics
3 Planning.
4 Q. And are you familiar with --
5 VOICE: Could you read into
6 the record what Exhibit 19 is? Is that a
7 Bates number?
8 MR. BAKER: I will get there.
9 It's Exhibit 19?
10 MR. BUSH: 23.
11 BY MR. BAKER:
12 Q. Exhibit 23 starts with Bates Number
13 3749 and runs through Bates Number 3777. It
14 is an e-mail from Mr. Vanelli and -- it's
15 actually a string of e-mails from Mr. Vanelli
16 to various people and from Nicole Harrington
17 to Mr. Vanelli, from Donald Walker to various
18 people.
19 Do you see that --
20 A. Yes.
21 Q. -- on the front page?
22 A. Yes.
23 Q. Do you see that?
24 A. Yes.

Page 45

1 Q. Ma'am?
2 A. Yes.
3 Q. And do you see that the attachment to
4 it starts with something that says "McKesson"
5 at the top.
6 Do you see that?
7 A. Yes.
8 Q. Now, McKesson is one of the outside
9 vendors from whom CVS does business; is that
10 correct?
11 A. Yes.
12 Q. And sometimes a company like McKesson
13 will provide information like you're seeing to
14 CVS, which it has done in this instance,
15 according to this e-mail; is that correct?
16 MR. BUSH: Objection.
17 A. I can't say that I know that.
18 BY MR. BAKER:
19 Q. At the bottom of the front page, it
20 says, "Nicole, attached at three files for
21 your use," probably a typo, probably should
22 have said "all three files for your use."
23 Do you see that?
24 A. Yes.

<p style="text-align: right;">Page 46</p> <p>1 Q. And it talks about, "Our Rx drug abuse 2 materials in which we have compiled 3 information on the global issue." 4 Do you see that? 5 A. Yes. 6 Q. Okay. So turn to those materials, if 7 you would, on page 1, which was Bates Number 8 3750, all part of Exhibit 23 we're referring 9 to here today. 10 Do you see that first page there? 11 A. Yes. 12 Q. Do you see there where it says, 13 "According to the DEA's 2012 ARCOS data, the 14 following are a few commonly abused drugs with 15 the annual averages, number of dosage units 16 purchased by retail pharmacy for each of the 17 following drugs: hydrocodone, 131,381; 18 oxycodone, 75,584." And then it goes down to 19 discuss, "hydromorphone, 5,903; oxymorphone, 20 2,190." 21 Did I read that correctly? 22 A. Yes. 23 Q. At the bottom it says, "These numbers 24 are not guidelines for appropriate dispensing.</p>	<p style="text-align: right;">Page 48</p> <p>1 one death every 19 minutes," that 2 "prescription drug abuse is the 3 fastest-growing drug problem in the United 4 States." 5 Did you see that? 6 A. Yes. 7 Q. This is -- this is right before you 8 assumed your new position in 2008, correct? 9 MR. BUSH: Objection. 10 BY MR. BAKER: 11 Q. 2007 would be before you assumed your 12 new position in 2008, correct? 13 A. Yes. 14 Q. And when you assumed your new position 15 in 2008, did you study up on the existence of 16 the opioid epidemic? 17 A. No. 18 Q. You did no study at all on that? 19 A. No. 20 Q. Did you try to do any reading on it? 21 A. No, not that I recall. 22 Q. It just didn't concern you at all? 23 A. I can't recall. 24 Q. Turn to Bates Number 3755 at the</p>
<p style="text-align: right;">Page 47</p> <p>1 They are simply national averages derived from 2 the DEA ARCOS data. Diversion can occur in 3 purchases below the DEA national averages." 4 Did I read that correctly? 5 A. Yes. 6 Q. Go two more pages to where you get to 7 Bates No. 3752. It's entitled, "Prescription 8 drug abuse." 9 Do you see that? 10 A. Uh-huh, yes. 11 Q. This is all part of the materials that 12 were attached to that e-mail that were sent to 13 CVS, according to the document I presented to 14 you, correct? 15 MR. BUSH: Objection. 16 BY MR. BAKER: 17 Q. Let's move on. Do you see the next 18 document? It says 3753 at the bottom. It's 19 CVS Bates Number 3753. 20 Do you see that? 21 A. Yes. 22 Q. Do you see that it said "In 2007, 23 approximately 27,000 unintentional drug 24 overdose deaths occurred in the United States,</p>	<p style="text-align: right;">Page 49</p> <p>1 bottom. Do you see it? 2 A. Uh-huh. 3 Q. Yes? 4 A. Yes. 5 Q. You see where it talks about the 6 prescription drug abuse is an epidemic in the 7 United States, that prescription drugs cause 8 more deaths than heroin or cocaine combined. 9 Do you see that? 10 A. Yes. 11 Q. At the bottom it says "The U.S. 12 consumes 83 percent of the world's oxycodone 13 and 99 percent of the world's hydrocodone, two 14 highly prescribed opioid drugs for pain." 15 Do you see that? 16 A. Yes. 17 Q. As part of your job, do you know that 18 hydrocodone is a highly prescribed opioid drug 19 for pain? 20 MR. BUSH: Objection. 21 A. No, I don't know that. 22 BY MR. BAKER: 23 Q. You don't know that. 24 Go to Bates Number 3761, all part of</p>

<p style="text-align: right;">Page 50</p> <p>1 Exhibit No. 23. Could you highlight in the</p> <p>2 first -- every portion that deals with Ohio</p> <p>3 under oxycodone, hydrocodone, hydromorphone,</p> <p>4 and oxymorphone?</p> <p>5 Do you see the report here, that</p> <p>6 current drug -- prescription drug diversion</p> <p>7 trends dealing with states with the highest</p> <p>8 pharmacy dispensing in 2012 shows that</p> <p>9 oxycodone -- that Ohio is the fifth</p> <p>10 highest-rated state for oxycodone relative to</p> <p>11 the states with the highest pharmacy</p> <p>12 dispensing in 2012? Do you see that?</p> <p>13 MR. BUSH: Objection.</p> <p>14 A. Yes, I can see that.</p> <p>15 BY MR. BAKER:</p> <p>16 Q. Do you see that this chart indicates</p> <p>17 that Ohio is the seventh highest state with</p> <p>18 pharmacy dispensing in 2012 with respect to</p> <p>19 the drug hydrocodone? Do you see that?</p> <p>20 MR. BUSH: Objection.</p> <p>21 A. Yes, I see that.</p> <p>22 BY MR. BAKER:</p> <p>23 Q. Do you see in this chart where Ohio is</p> <p>24 the eighth highest pharmacy dispensing state</p>	<p style="text-align: right;">Page 52</p> <p>1 Bates Number 3766, which means that it was</p> <p>2 produced to us by CVS in this litigation. You</p> <p>3 understand that?</p> <p>4 MR. BUSH: Objection.</p> <p>5 A. Yes.</p> <p>6 BY MR. BAKER:</p> <p>7 Q. Okay. Do you see where in this chart</p> <p>8 it delineates where drugs divert out of</p> <p>9 Florida, up through Georgia, up through</p> <p>10 Tennessee, Kentucky, ultimately into Ohio? Do</p> <p>11 you see that?</p> <p>12 MR. BUSH: Objection.</p> <p>13 BY MR. BAKER:</p> <p>14 Q. Do you see that on that? Is that</p> <p>15 what's depicted on that chart?</p> <p>16 A. I see lines, yes.</p> <p>17 Q. And do you -- have you read about or</p> <p>18 studied about the drug diversion migration out</p> <p>19 of Florida as part of your job?</p> <p>20 A. No.</p> <p>21 Q. Have you been taught about that as</p> <p>22 part of your job?</p> <p>23 A. No.</p> <p>24 Q. Have you attended DEA conferences on</p>
<p style="text-align: right;">Page 51</p> <p>1 in 2012 for the drug hydromorphone?</p> <p>2 MR. BUSH: Objection.</p> <p>3 A. Yes, I see that.</p> <p>4 BY MR. BAKER:</p> <p>5 Q. Do you see that Ohio is the seventh</p> <p>6 highest pharmacy dispensing state in 2012 for</p> <p>7 the drug oxymorphone?</p> <p>8 MR. BUSH: Objection.</p> <p>9 A. Yes, I see that.</p> <p>10 BY MR. BAKER:</p> <p>11 Q. Did you know these statistics before I</p> <p>12 just showed them to you?</p> <p>13 A. No, I did not.</p> <p>14 Q. Do you remember that chart that I</p> <p>15 showed you about drug diversion migration out</p> <p>16 of Florida that -- if you go to Bates Number</p> <p>17 3766. Do you remember that drug migration</p> <p>18 chart that I showed you just a few minutes ago</p> <p>19 in a prior exhibit?</p> <p>20 A. Uh-huh, yes.</p> <p>21 Q. Yes?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. This is where this came from.</p> <p>24 This is a document -- that's a CVS document,</p>	<p style="text-align: right;">Page 53</p> <p>1 drug diversion?</p> <p>2 A. No.</p> <p>3 Q. Your employer does not send you to DEA</p> <p>4 conferences to learn about drug diversion?</p> <p>5 A. No.</p> <p>6 Q. And you've never attended a DEA</p> <p>7 conference on drug diversion?</p> <p>8 A. I've been to a DEA conference.</p> <p>9 Q. Dealing with the topic of drug</p> <p>10 diversion with respect to opioids?</p> <p>11 A. I don't recall what the topics were</p> <p>12 that were discussed.</p> <p>13 Q. Which DEA conference did you attend,</p> <p>14 in what year, and what was the name of it?</p> <p>15 A. I don't recall the name of it. It was</p> <p>16 in October of 2013.</p> <p>17 Q. Where was it located?</p> <p>18 A. Outside Washington, D.C.</p> <p>19 Q. Was it at the Gaylord hotel?</p> <p>20 A. Yes.</p> <p>21 Q. Now, in general, CVS has distribution</p> <p>22 centers that serve or that supply opioid</p> <p>23 medications to CVS retail stores; is that</p> <p>24 correct?</p>

<p style="text-align: right;">Page 54</p> <p>1 A. Yes.</p> <p>2 Q. And those are narcotic drugs,</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. And the --</p> <p>6 A. Some.</p> <p>7 Q. -- the CVS distribution center</p> <p>8 licensures that you know to exist are for</p> <p>9 Schedule III through Schedule V drugs; is that</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. And you know that Schedule III drugs,</p> <p>13 up until October of 2014, included hydrocodone</p> <p>14 and hydrocodone combination products,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. And you know that Schedule II drugs,</p> <p>18 up until October 2014 and continuing, have</p> <p>19 included OxyContin- and oxymorphone-related</p> <p>20 drugs?</p> <p>21 A. I can't say if I specifically know</p> <p>22 that they were Schedule II.</p> <p>23 Q. You know that hydrocodone combination</p> <p>24 products were rescheduled to Schedule II by</p>	<p style="text-align: right;">Page 56</p> <p>1 with respect to those two distribution</p> <p>2 centers?</p> <p>3 A. My job now or previous?</p> <p>4 Q. Between 2008 and 2013.</p> <p>5 A. I was a liaison for the distribution</p> <p>6 centers, so they would reach out to me when</p> <p>7 they needed to get assistance as far as being</p> <p>8 a central point of contact for the corporate</p> <p>9 office.</p> <p>10 Q. Are you familiar with whether or not</p> <p>11 those two distribution centers served the CVS</p> <p>12 stores that are retail pharmacies in the state</p> <p>13 of Ohio?</p> <p>14 A. I can't say off the top of my head if</p> <p>15 I knew what states they serviced.</p> <p>16 Q. Let me show you what's marked as</p> <p>17 Exhibit No. 25.</p> <p>18</p> <p>19 (Exhibit No. 25 marked for</p> <p>20 identification.)</p> <p>21</p> <p>22 BY MR. BAKER:</p> <p>23 Q. It's the Track 1 CVS store</p> <p>24 information.</p>
<p style="text-align: right;">Page 55</p> <p>1 the FDA October 6 of 2014? Do you know</p> <p>2 that?</p> <p>3 MR. BUSH: Objection.</p> <p>4 A. I didn't know that.</p> <p>5 BY MR. BAKER:</p> <p>6 Q. With respect to the distribution</p> <p>7 centers located in Indianapolis -- you're</p> <p>8 familiar with that, the Indianapolis</p> <p>9 distribution center, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And you're familiar with the</p> <p>12 distribution center in Chemung, New York; is</p> <p>13 that correct?</p> <p>14 A. Yes.</p> <p>15 Q. What is your job in the context of</p> <p>16 having any contact with or review of anything</p> <p>17 that is shipped to or shipped out of those</p> <p>18 distribution centers?</p> <p>19 A. As reviewing shipments?</p> <p>20 Q. Anything. Do you have any -- does</p> <p>21 your job have any connection to those two</p> <p>22 distribution centers whatsoever?</p> <p>23 A. Not for reviewing shipments, no.</p> <p>24 Q. What connection does your job have</p>	<p style="text-align: right;">Page 57</p> <p>1 What I've shown you is a list of CVS</p> <p>2 pharmacy stores that are located in Ohio.</p> <p>3 Have you ever seen this list before?</p> <p>4 A. No, not this list.</p> <p>5 Q. And you're telling me you don't know</p> <p>6 one way or the other if the Chemung, New York,</p> <p>7 distribution center or the Indianapolis</p> <p>8 distribution center served these Track 1 CVS</p> <p>9 stores in Ohio? You don't know?</p> <p>10 A. I don't -- I don't recall which</p> <p>11 distribution center services which stores.</p> <p>12 Q. Do they -- do any of the -- did any of</p> <p>13 those two distribution centers or either of</p> <p>14 those two distribution centers serve any of</p> <p>15 these stores on this list?</p> <p>16 A. I can't say -- I don't recall which</p> <p>17 distribution center services which stores, off</p> <p>18 the top of my head.</p> <p>19 Q. Let's move on. Let's go to the next</p> <p>20 one.</p> <p>21 MR. BAKER: Let's take a short</p> <p>22 break off record.</p> <p>23 THE VIDEOGRAPHER: The time is</p> <p>24 10:01 a.m. We're off the record.</p>

<p style="text-align: right;">Page 58</p> <p>1</p> <p>2 (Recess was taken from 10:01 a.m.</p> <p>3 to 10:08 a.m.)</p> <p>4</p> <p>5 THE VIDEOGRAPHER: The time is</p> <p>6 10:08 a.m. and we're on the record.</p> <p>7 BY MR. BAKER:</p> <p>8 Q. I'm going to hand you Exhibit No. 58,</p> <p>9 which is the CVS standard operating procedures</p> <p>10 manual. It's Bates-numbered 34375. Have you</p> <p>11 ever seen this manual before?</p> <p>12</p> <p>13 (Exhibit No. 58 marked for</p> <p>14 identification.)</p> <p>15</p> <p>16 MR. BUSH: Can I get a copy of</p> <p>17 that?</p> <p>18 A. (Witness reviews document.)</p> <p>19 MR. BUSH: Well, objection. I'm</p> <p>20 not sure that your statement accurately</p> <p>21 describes it, but go ahead. You can answer.</p> <p>22 BY MR. BAKER:</p> <p>23 Q. What does it say on the first page,</p> <p>24 ma'am, of the Document No. 58, Exhibit 58?</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Okay. All right. Do you see where it</p> <p>2 says, "Controlled Substance Act passed in</p> <p>3 1971."</p> <p>4 Do you see that?</p> <p>5 A. Uh-huh, yes.</p> <p>6 Q. Do you know that the Controlled</p> <p>7 Substance Act has been on the books since</p> <p>8 1971?</p> <p>9 A. No, I did not know.</p> <p>10 Q. Did you know that the Controlled</p> <p>11 Substance Act established the concept of</p> <p>12 controlled substances, combined narcotics and</p> <p>13 dangerous drugs? Did you know that?</p> <p>14 A. No.</p> <p>15 Q. Is that what that document</p> <p>16 indicates?</p> <p>17 A. The document indicates, yes.</p> <p>18 Q. Did you know that it places</p> <p>19 enforcement into the Department of Justice of</p> <p>20 those types of drugs?</p> <p>21 A. No, I didn't know that.</p> <p>22 Q. Did you know that there are</p> <p>23 established quotas with respect to those types</p> <p>24 of drugs?</p>
<p style="text-align: right;">Page 59</p> <p>1 A. "CVS standard operating procedures."</p> <p>2 Q. Is that what I said it was or not?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And would you turn to the</p> <p>5 last -- excuse me, to page No. 34378, at the</p> <p>6 bottom, Bates number?</p> <p>7 A. Yes.</p> <p>8 Q. Now, this document indicates an</p> <p>9 introduction to the CSA, which is the</p> <p>10 Controlled Substance Act, and DEA, which is</p> <p>11 the Drug Enforcement Agency, regs, which is</p> <p>12 regulations, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And you understand this to be a CVS</p> <p>15 document, correct? I mean, look at page 1</p> <p>16 where I said it shows the CVS standard</p> <p>17 operating procedures.</p> <p>18 Do you see that?</p> <p>19 A. I see that.</p> <p>20 Q. Can you say yes, that this is a CVS</p> <p>21 document?</p> <p>22 A. I can't say if it's a CVS -- it says</p> <p>23 CVS on it, but I can't say if I know it to be</p> <p>24 a CVS document, no.</p>	<p style="text-align: right;">Page 61</p> <p>1 A. No, I did not know that.</p> <p>2 Q. Did you know that it provides for a</p> <p>3 closed system of distribution for those types</p> <p>4 of drugs?</p> <p>5 A. I did not know that.</p> <p>6 Q. Do you know what closed system of</p> <p>7 distribution even is with respect to narcotic</p> <p>8 drugs?</p> <p>9 A. I can't say I know the details, no.</p> <p>10 Q. So let's move on to the next exhibit,</p> <p>11 please.</p> <p>12</p> <p>13 (Exhibit No. 37 marked for</p> <p>14 identification.)</p> <p>15</p> <p>16 BY MR. BAKER:</p> <p>17 Q. I'm handing you Exhibit No. 37 which</p> <p>18 is an e-mail with an attached letter dated</p> <p>19 December 27, 2007 from a Mr. Joseph Rannazzisi</p> <p>20 of the United States Department of Justice</p> <p>21 Drug Enforcement Administration.</p> <p>22 Have you ever seen that letter dated</p> <p>23 December 27, 2007?</p> <p>24 A. (Witness reviews document.)</p>

<p style="text-align: right;">Page 62</p> <p>1 No, I can't say that I have.</p> <p>2 Q. Have you ever seen the e-mail that's</p> <p>3 attached or that is dated 1/14/2014 that I've</p> <p>4 handed to you as Exhibit No. 37?</p> <p>5 A. I can't say that I have.</p> <p>6 Q. Let me read the e-mail to you. It</p> <p>7 says, "Team" -- and this is an e-mail from a</p> <p>8 person named Craig Schiavo to several people</p> <p>9 within CVS, January 14, 2014, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And the subject matter is SOM</p> <p>12 communications from DEA, correct?</p> <p>13 A. Yes.</p> <p>14 Q. SOM is suspicious order monitoring,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. All right. And it references this</p> <p>18 12/27/2007 DEA letter, correct?</p> <p>19 A. Yes.</p> <p>20 Q. It says, "Team, attached are FYIs.</p> <p>21 These are communications from the DEA to DEA</p> <p>22 registrants. The 2007 letter from the DEA is</p> <p>23 the letter that put registrants on notice that</p> <p>24 the DEA was going to start heavily enforcing</p>	<p style="text-align: right;">Page 64</p> <p>1 inserting a suspicious order monitoring policy</p> <p>2 into the CVS system?</p> <p>3 A. No.</p> <p>4 MR. BUSH: Objection.</p> <p>5 BY MR. BAKER:</p> <p>6 Q. You did not?</p> <p>7 A. No.</p> <p>8 Q. Are you familiar with that occurring</p> <p>9 8/25/2010?</p> <p>10 MR. BUSH: Objection.</p> <p>11 A. I don't recall.</p> <p>12 BY MR. BAKER:</p> <p>13 Q. You don't know?</p> <p>14 A. (Witness nodding.)</p> <p>15 Q. We'll get to that in a minute.</p> <p>16 You see where it says -- at the top of</p> <p>17 page 2 it says, "Registrants that rely on</p> <p>18 rigid formulas to define whether an order is</p> <p>19 suspicious may be failing to detect suspicious</p> <p>20 orders."</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Do you see where the next sentence</p> <p>24 says, "For example, a system that identifies</p>
<p style="text-align: right;">Page 63</p> <p>1 the SOM regulations." Correct?</p> <p>2 A. Yes, that's what it says.</p> <p>3 Q. You stated earlier that -- I can't</p> <p>4 remember if you said you either did not see</p> <p>5 this letter before or can't recall. Which one</p> <p>6 is it?</p> <p>7 A. I don't recall seeing this letter</p> <p>8 before.</p> <p>9 Q. Is it possible that you've seen this</p> <p>10 letter before?</p> <p>11 A. I don't recall.</p> <p>12 Q. All right. Are you familiar -- well,</p> <p>13 go to page 2 of the letter, if you would.</p> <p>14 Now, you're familiar with the</p> <p>15 suspicious order monitoring system that was</p> <p>16 used by CVS from 8/25/2010 forward?</p> <p>17 MR. BUSH: Objection.</p> <p>18 BY MR. BAKER:</p> <p>19 Q. Am I correct?</p> <p>20 MR. BUSH: Objection.</p> <p>21 A. I don't know what you mean by</p> <p>22 "familiar."</p> <p>23 BY MR. BAKER:</p> <p>24 Q. Did you have anything to do with</p>	<p style="text-align: right;">Page 65</p> <p>1 orders as suspicious only if the total amount</p> <p>2 of a controlled substances ordered during one</p> <p>3 month exceeds the amount ordered the previous</p> <p>4 month by a certain percentage or more is</p> <p>5 insufficient."</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know what that means?</p> <p>9 MR. BUSH: Objection.</p> <p>10 BY MR. BAKER:</p> <p>11 Q. Do you?</p> <p>12 MR. BUSH: Objection.</p> <p>13 BY MR. BAKER:</p> <p>14 Q. Do you understand what that means?</p> <p>15 MR. BUSH: Objection.</p> <p>16 A. Yes.</p> <p>17 BY MR. BAKER:</p> <p>18 Q. What does it mean to you?</p> <p>19 MR. BUSH: Objection.</p> <p>20 A. The example is saying if you are using</p> <p>21 the number from the previous month to</p> <p>22 calculate by percentage is insufficient.</p> <p>23 BY MR. BAKER:</p> <p>24 Q. You see the next sentence says, "This</p>

<p style="text-align: right;">Page 66</p> <p>1 system fails to identify orders placed by a</p> <p>2 pharmacy if the pharmacy placed unusually</p> <p>3 large orders from the beginning of its</p> <p>4 relationship with the distributor."</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Let me give you an example.</p> <p>8 Suppose -- suppose you had a CVS store</p> <p>9 that was not monitored all the way up until a</p> <p>10 certain time frame and during that time frame</p> <p>11 it reached an average purchase of say 30,000</p> <p>12 hydrocodone combination products per month,</p> <p>13 and now we start monitoring at CVS through the</p> <p>14 suspicious order monitoring system whether or</p> <p>15 not drugs ordered the following month are</p> <p>16 consistent with what was ordered the prior</p> <p>17 month to determine whether or not it might be</p> <p>18 more ordered the following month than the</p> <p>19 prior month.</p> <p>20 Do you understand that example --</p> <p>21 MR. BUSH: Objection.</p> <p>22 BY MR. BAKER:</p> <p>23 Q. -- as a hypothetical?</p> <p>24 MR. BUSH: Objection.</p>	<p style="text-align: right;">Page 68</p> <p>1 substance, if orders never grew</p> <p>2 substantially."</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Do you see it says, "Nevertheless,</p> <p>6 ordering one highly abused controlled</p> <p>7 substance and little or nothing else deviates</p> <p>8 from the normal pattern of what pharmacies</p> <p>9 generally order."</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. To you, does that mean that if a</p> <p>13 pharmacy orders hydrocodone combination</p> <p>14 products and little or nothing else that it</p> <p>15 deviates from the normal pattern of what</p> <p>16 pharmacies generally order?</p> <p>17 MR. BUSH: Objection.</p> <p>18 A. I don't think I can say.</p> <p>19 Q. Let's move on to the next exhibit.</p> <p>20</p> <p>21 (Exhibit No. 61 marked for</p> <p>22 identification.)</p> <p>23</p> <p>24 BY MR. BAKER:</p>
<p style="text-align: right;">Page 67</p> <p>1 BY MR. BAKER:</p> <p>2 Q. Do you understand what I just said?</p> <p>3 A. If more are ordered the next month?</p> <p>4 Q. Yes, ma'am.</p> <p>5 A. I understand your example.</p> <p>6 Q. If the -- if the 30,000 that had</p> <p>7 already been ordered in that hypothetical</p> <p>8 example had not been monitored properly before</p> <p>9 it's compared against the months subsequent to</p> <p>10 that, then we're starting with a number to</p> <p>11 compare subsequent months against -- that is</p> <p>12 an unmonitored number to begin with to compare</p> <p>13 it against; am I correct?</p> <p>14 MR. BUSH: Objection.</p> <p>15 BY MR. BAKER:</p> <p>16 Q. Using that example hypothetically?</p> <p>17 MR. BUSH: Objection.</p> <p>18 A. Yeah, hypothetically, for that</p> <p>19 example, yes.</p> <p>20 BY MR. BAKER:</p> <p>21 Q. You see where it says here -- the next</p> <p>22 sentence it says, "Although this system would</p> <p>23 not identify orders as suspicious if the order</p> <p>24 were solely one highly abused controlled</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. Let me show you Exhibit No. 61. Have</p> <p>2 you ever seen Exhibit No. 61 before? It's an</p> <p>3 e-mail dated 5/8/2013 with CVS Bates Number</p> <p>4 55266. It's from Craig Schiavo to a man named</p> <p>5 Aaron Burtner regarding an attachment of a DEA</p> <p>6 letter, that same DEA letter that I just</p> <p>7 discussed with you dated December 27, 2007.</p> <p>8 A. Not that I recall.</p> <p>9 Q. Do you know who Craig Schiavo is?</p> <p>10 A. Yes, I know who he is.</p> <p>11 Q. Who is Mr. Schiavo?</p> <p>12 A. He's -- he used to work at CVS.</p> <p>13 Q. In what capacity?</p> <p>14 A. I don't know his exact positions, but</p> <p>15 I -- he was in pharmacy operations at one</p> <p>16 time.</p> <p>17 Q. And who is Aaron Burtner?</p> <p>18 A. I believe Aaron -- I know the name,</p> <p>19 but I can't really recall what he did.</p> <p>20 Q. Did his job have something to do with</p> <p>21 suspicious order monitoring within the CVS</p> <p>22 companies?</p> <p>23 A. I can't recall.</p> <p>24 Q. Do you see where this e-mail says, "In</p>

<p style="text-align: right;">Page 70</p> <p>1 case you haven't read the letter that started</p> <p>2 all of this SOM stuff and the wholesalers</p> <p>3 getting fined, attached is what started it</p> <p>4 all. Thank you. Craig."</p> <p>5 Do you see that?</p> <p>6 A. Yes, I do.</p> <p>7 Q. Did anybody at CVS tell you that it</p> <p>8 was the DEA letter of December 27, 2007 that</p> <p>9 started all of this suspicious order</p> <p>10 monitoring stuff?</p> <p>11 A. Not that I can recall.</p> <p>12 Q. Do you remember the document I had</p> <p>13 shown you previously earlier today that talked</p> <p>14 about the Controlled Substance Act, which</p> <p>15 required suspicious order monitoring has been</p> <p>16 in effect since 1971? Do you remember that</p> <p>17 document?</p> <p>18 A. Yes.</p> <p>19 Q. Is it true that CVS only started</p> <p>20 taking notice of the need to implement a</p> <p>21 suspicious order monitoring policy as a result</p> <p>22 of this letter that was received December 27,</p> <p>23 2007?</p> <p>24 A. I can't --</p>	<p style="text-align: right;">Page 72</p> <p>1 e-mail dated 5/18/34 (sic) between Mr. Schiavo</p> <p>2 of CVS and Mr. Burtner of CVS that it, indeed,</p> <p>3 was this letter dated December 27, 2007 that</p> <p>4 started this SOM stuff?</p> <p>5 MR. BUSH: Objection.</p> <p>6 A. I can't answer that.</p> <p>7 BY MR. BAKER:</p> <p>8 Q. Well, you're not familiar with any SOM</p> <p>9 stuff that CVS was engaging in before 2007,</p> <p>10 correct?</p> <p>11 MR. BUSH: Objection.</p> <p>12 A. I can't recall.</p> <p>13 BY MR. BAKER:</p> <p>14 Q. You can't recall. Is that what your</p> <p>15 answer was?</p> <p>16 A. Yes.</p> <p>17 Q. All right. Next I'm going to show you</p> <p>18 what's marked as Exhibit No. 12 and it is CVS</p> <p>19 Bates Document No. 2188.</p> <p>20</p> <p>21 (Exhibit No. 12 marked for</p> <p>22 identification.)</p> <p>23</p> <p>24 BY MR. BAKER:</p>
<p style="text-align: right;">Page 71</p> <p>1 MR. BUSH: Objection.</p> <p>2 A. I can't -- I can't answer that.</p> <p>3 BY MR. BAKER:</p> <p>4 Q. Is it true that this letter dated</p> <p>5 December 27, 2007 was the catalyst to get CVS</p> <p>6 started on suspicious order monitoring</p> <p>7 policies, yes or no?</p> <p>8 MR. BUSH: Objection.</p> <p>9 A. I can't -- I can't answer that.</p> <p>10 BY MR. BAKER:</p> <p>11 Q. You're not familiar with CVS having</p> <p>12 any written suspicious order monitoring policy</p> <p>13 that became part of its SOP or standard</p> <p>14 operating procedures at any time in 2006, are</p> <p>15 you?</p> <p>16 A. I can't recall.</p> <p>17 Q. You're not familiar with there being</p> <p>18 any suspicious order monitoring policy of CVS</p> <p>19 that is in written form and became part of a</p> <p>20 policy and procedure or standard operating</p> <p>21 procedure within CVS in 2007; am I correct?</p> <p>22 A. I can't recall.</p> <p>23 Q. Does it appear to you from reading</p> <p>24 this letter that -- I mean, from reading the</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. And at the top, it says, "SOM</p> <p>2 Program." Do you see that?</p> <p>3 A. Yes, I see that.</p> <p>4 Q. Do you know what a SOM program means,</p> <p>5 yes or no?</p> <p>6 A. Yes, suspicious order monitoring.</p> <p>7 Q. As an employee of CVS, in your job do</p> <p>8 you have anything at all to do with suspicious</p> <p>9 order monitoring programs?</p> <p>10 A. No.</p> <p>11 Q. Have you ever had anything at all to</p> <p>12 do with suspicious order monitoring programs?</p> <p>13 A. No. The program itself, no.</p> <p>14 Q. Have you ever had anything to do with</p> <p>15 drafting or implementation of suspicious order</p> <p>16 monitoring programs within CVS?</p> <p>17 A. Not a program, no.</p> <p>18 Q. Have you ever had anything to do with</p> <p>19 drafting or inserting into the standard</p> <p>20 operating procedures of CVS a suspicious order</p> <p>21 monitoring policy?</p> <p>22 MR. BUSH: Objection. Compound.</p> <p>23 A. I wasn't responsible for drafting any</p> <p>24 SOM policies.</p>

Page 74	Page 76
<p>1 BY MR. BAKER:</p> <p>2 Q. Have you ever been responsible for or</p> <p>3 participated within the process of inserting a</p> <p>4 suspicious order monitoring policy within the</p> <p>5 suspicious -- within the policies and</p> <p>6 procedures or standard operating procedures of</p> <p>7 CVS?</p> <p>8 MR. BUSH: Objection.</p> <p>9 A. I was responsible for updating SOPs.</p> <p>10 Q. Are you familiar with the</p> <p>11 know-your-customer policy of the DEA?</p> <p>12 A. No.</p> <p>13 Q. You've never heard of that?</p> <p>14 A. Not that I recall.</p> <p>15 Q. Let me show you this DEA policy and</p> <p>16 what it states according to this CVS document.</p> <p>17 The policy states, "It is fundamental</p> <p>18 for sound operations that handlers take</p> <p>19 reasonable measures to identify their</p> <p>20 customers, understand the normal and expected</p> <p>21 transactions typically conducted by those</p> <p>22 customers, and consequently identify those</p> <p>23 transactions conducted by their customers that</p> <p>24 are suspicious in nature."</p>	<p>1</p> <p>2 THE VIDEOGRAPHER: The time is</p> <p>3 10:37 a.m. and we're on the record.</p> <p>4 BY MR. BAKER:</p> <p>5 Q. Ms. Propatier, I'm going to hand you</p> <p>6 Plaintiff's Exhibit 204.</p> <p>7 MR. BAKER: I'll give a copy to</p> <p>8 your counsel.</p> <p>9 BY MR. BAKER:</p> <p>10 Q. Do you recognize this to be the</p> <p>11 Controlled Drug DEA Standard Operating</p> <p>12 Procedures Manual of the CVS distribution</p> <p>13 center, effective date 12/1/07, with revision</p> <p>14 dates having several but last revised under</p> <p>15 this revision 11/8 of 2011?</p> <p>16 Do you see that up at the top?</p> <p>17 A. Yes.</p> <p>18 Q. You've seen these before, have you</p> <p>19 not?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Let me direct your attention to</p> <p>22 Section X, which would be 10-8, which is going</p> <p>23 to be page number -- Bates Number 8559.</p> <p>24 VOICE: Can we get a</p>
Page 75	Page 77
<p>1 Have you ever heard of that policy</p> <p>2 before today?</p> <p>3 A. I don't recall ever seeing this</p> <p>4 policy.</p> <p>5 Q. Have you ever heard of that policy</p> <p>6 before today?</p> <p>7 A. I don't recall.</p> <p>8 Q. In your job with CVS pharmacy, you</p> <p>9 never were instructed on this policy?</p> <p>10 A. Instructed how?</p> <p>11 Q. In any manner.</p> <p>12 A. Not that I recall.</p> <p>13 Q. Let's move on. I'm going to show</p> <p>14 you --</p> <p>15 MR. BAKER: Let's go off record</p> <p>16 for a second.</p> <p>17 THE VIDEOGRAPHER: The time is</p> <p>18 10:27 a.m. and we're off the record.</p> <p>19</p> <p>20 (Recess taken from 10:27 a.m.</p> <p>21 to 10:37 a.m.)</p> <p>22</p> <p>23 (Exhibit No. 204 previously marked</p> <p>24 for identification.)</p>	<p>1 beginning Bates number for the document?</p> <p>2 MR. BAKER: Yes. The beginning</p> <p>3 Bates number is 8506. The ending Bates number</p> <p>4 is 8571.</p> <p>5 MR. BUSH: 85590 (sic) is where</p> <p>6 you would like her to --</p> <p>7 MR. BAKER: Yes.</p> <p>8 MR. BUSH: -- look, right?</p> <p>9 MR. BAKER: Yes, sir. Could we</p> <p>10 show this under the document?</p> <p>11 MR. BUSH: Take your time to be</p> <p>12 familiar with the document. It's a long</p> <p>13 document.</p> <p>14 (Witness reviews document.)</p> <p>15 BY MR. BAKER:</p> <p>16 Q. Go to X-5. The Bates is 8556.</p> <p>17 Could I get you, please, to highlight</p> <p>18 the last sentence of Paragraph 11, beginning</p> <p>19 with "Amy Propatier."</p> <p>20 Ms. Propatier, are you familiar with</p> <p>21 this document that is now before you?</p> <p>22 A. Yes.</p> <p>23 MR. BUSH: Asked and answered.</p> <p>24 BY MR. BAKER:</p>

<p style="text-align: right;">Page 78</p> <p>1 Q. The answer is yes?</p> <p>2 A. Yes.</p> <p>3 Q. I'd like you to look at Paragraph 11</p> <p>4 on page X-5, which is 10 -- Subsection 10-5.</p> <p>5 Do you see that?</p> <p>6 MR. BUSH: I would ask you to</p> <p>7 make sure that you've had a chance to look</p> <p>8 through the documents.</p> <p>9 THE WITNESS: I'm trying.</p> <p>10 MR. BUSH: Make sure you</p> <p>11 understand where it is.</p> <p>12 THE WITNESS: Yeah.</p> <p>13 (Witness reviews document.)</p> <p>14 BY MR. BAKER:</p> <p>15 Q. Ma'am, I'll hand it to you, if you</p> <p>16 would like.</p> <p>17 MR. BUSH: She has it, don't</p> <p>18 you?</p> <p>19 THE WITNESS: Yeah, I'm just</p> <p>20 reading. I'm just reading where I am.</p> <p>21 BY MR. BAKER:</p> <p>22 Q. Ma'am, are you familiar with the</p> <p>23 document in front of you?</p> <p>24 MR. BUSH: Objection. Asked and</p>	<p style="text-align: right;">Page 80</p> <p>1 SOPs. My title -- my job position title was</p> <p>2 logistics pharmacy services manager.</p> <p>3 BY MR. BAKER:</p> <p>4 Q. Did you ever hold the title of CVS DEA</p> <p>5 compliance coordinator?</p> <p>6 A. Yes. As a title for SOP reference,</p> <p>7 yes.</p> <p>8 Q. And did you perform duties as a DEA</p> <p>9 coordinator or not -- DEA compliance</p> <p>10 coordinator for CVS? Let me repeat the</p> <p>11 question.</p> <p>12 Did you perform duties as a CVS DEA</p> <p>13 compliance coordinator while under the employ</p> <p>14 of CVS?</p> <p>15 A. What type of duties? I don't know</p> <p>16 what you mean.</p> <p>17 Q. Did you perform any type of DEA</p> <p>18 compliance coordinator duties while under the</p> <p>19 employ of CVS?</p> <p>20 A. I submitted ARCOS reporting, yes.</p> <p>21 Q. Did you have anything at all to do</p> <p>22 with suspicious order monitoring?</p> <p>23 MR. BUSH: Objection, but you</p> <p>24 can answer.</p>
<p style="text-align: right;">Page 79</p> <p>1 answered.</p> <p>2 A. Yes.</p> <p>3 BY MR. BAKER:</p> <p>4 Q. Yes?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And would you please direct</p> <p>7 your attention to page X-5, which is 10-5,</p> <p>8 Paragraph 11, last sentence?</p> <p>9 Do you see that?</p> <p>10 A. Uh-huh.</p> <p>11 Q. Yes?</p> <p>12 A. Yes.</p> <p>13 Q. Your name is Amy Propatier, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And this document says that "Amy</p> <p>16 Propatier (CVS DEA compliance coordinator) and</p> <p>17 Frank Devlin, director of logistics loss</p> <p>18 prevention." Is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Were you, at the time of this</p> <p>21 document, the CVS DEA compliance</p> <p>22 coordinator?</p> <p>23 MR. BUSH: Well, objection.</p> <p>24 A. That was a title for reference in</p>	<p style="text-align: right;">Page 81</p> <p>1 A. No, only updating the SOP with what</p> <p>2 was provided for the program.</p> <p>3 Q. Let's go to the next numbered exhibit.</p> <p>4 Now, who, other than this document,</p> <p>5 ever called you by the title CVS DEA</p> <p>6 compliance coordinator? Who within the</p> <p>7 company ever called you that other than this</p> <p>8 document?</p> <p>9 MR. BUSH: Objection. If you</p> <p>10 understand, you can answer.</p> <p>11 A. I don't -- I'm not sure what you mean.</p> <p>12 BY MR. BAKER:</p> <p>13 Q. You've told me about your logistics</p> <p>14 title, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And name that title again, what it is.</p> <p>17 A. Logistics pharmacy services manager.</p> <p>18 Q. At any place within CVS, other than</p> <p>19 within this document that I showed you, were</p> <p>20 you ever listed within CVS as a DEA compliance</p> <p>21 coordinator?</p> <p>22 A. Do you mean like in personnel, like as</p> <p>23 the company?</p> <p>24 Q. Yes, ma'am.</p>

<p style="text-align: right;">Page 82</p> <p>1 A. Not in personnel records, no.</p> <p>2 Q. Okay. Do you know why CVS put you in</p> <p>3 here as the CVS DEA compliance coordinator</p> <p>4 within their controlled drug DEA Standard</p> <p>5 Operating Procedures Manual?</p> <p>6 A. It was a title just for SOP purposes</p> <p>7 because people change positions, that it would</p> <p>8 be -- that would be the position they referred</p> <p>9 to because the person in title may change. So</p> <p>10 if they had one specific title for this point</p> <p>11 of contact, it could change if the person or</p> <p>12 position changed.</p> <p>13 Q. Were you ever the CVS DEA compliance</p> <p>14 coordinator?</p> <p>15 A. In regards to?</p> <p>16 Q. Your job at CVS.</p> <p>17 A. My job was the pharmacy services</p> <p>18 manager. This title was for SOP purposes.</p> <p>19 Q. Were you ever -- for personnel</p> <p>20 purposes ever considered the CVS DEA</p> <p>21 compliance coordinator?</p> <p>22 A. No, I was not.</p> <p>23 Q. It's just something that's listed</p> <p>24 within the Controlled Drug DEA Standard</p>	<p style="text-align: right;">Page 84</p> <p>1 A. I don't recall it.</p> <p>2 Q. Let me read the e-mail. It says,</p> <p>3 "Good morning, Amy." That would be you,</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. And this is from Mr. Mortelliti?</p> <p>7 A. Yes.</p> <p>8 Q. And who is Mr. Mortelliti at this</p> <p>9 time?</p> <p>10 A. He was the loss prevention in the</p> <p>11 Lumberton distribution center.</p> <p>12 Q. It says, "I attached the PSE SOP to</p> <p>13 this e-mail. The controlled drug SOP is being</p> <p>14 reviewed by counsel."</p> <p>15 Do you know what the controlled drug</p> <p>16 SOP means?</p> <p>17 A. I can't recall --</p> <p>18 Q. Would that --</p> <p>19 A. -- what he's referring to.</p> <p>20 Q. Would that be controlled drug standard</p> <p>21 operating procedure?</p> <p>22 A. I can't recall if that's what he was</p> <p>23 referring to.</p> <p>24 Q. Do you know what a controlled drug SOP</p>
<p style="text-align: right;">Page 83</p> <p>1 Operating Procedures Manual that says that's</p> <p>2 what you are; is that correct?</p> <p>3 MR. BUSH: Objection.</p> <p>4 A. In this manual, yes.</p> <p>5 BY MR. BAKER:</p> <p>6 Q. Were you employed by CVS on 8/23/2010?</p> <p>7 A. Yes.</p> <p>8 Q. Let me show you what's marked as</p> <p>9 Exhibit No. 98.</p> <p>10</p> <p>11 (Exhibit No. 98 marked for</p> <p>12 identification.)</p> <p>13</p> <p>14 BY MR. BAKER:</p> <p>15 Q. This is Bates Number 89188. It's an</p> <p>16 e-mail dated 8/23/2010 from John Mortelliti to</p> <p>17 Frank Devlin with a copy going to you, Amy</p> <p>18 Propatier, correct?</p> <p>19 A. Yes. Yes.</p> <p>20 Q. It's actually an e-mail string,</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Have you ever seen this e-mail</p> <p>24 before or do you recall this e-mail?</p>	<p style="text-align: right;">Page 85</p> <p>1 is?</p> <p>2 A. I know what controlled drug SOPs are,</p> <p>3 yes.</p> <p>4 Q. What are they?</p> <p>5 A. They would be our SOPs for our</p> <p>6 distribution centers.</p> <p>7 Q. Which are standard operating</p> <p>8 procedures --</p> <p>9 A. Yes.</p> <p>10 Q. -- with respect to controlled drugs?</p> <p>11 A. Yes.</p> <p>12 Q. Controlled drugs include narcotics</p> <p>13 such as hydrocodone-combination products,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. Controlled drugs also include</p> <p>17 OxyContin and oxymorphone drugs, correct,</p> <p>18 although the distribution centers did not</p> <p>19 handle those, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Those drugs were sold at CVS retail</p> <p>22 stores though, correct, the oxymorphone and</p> <p>23 oxycodone?</p> <p>24 A. I would assume, but I can't say for</p>

<p style="text-align: right;">Page 86</p> <p>1 certain because I didn't work in retail.</p> <p>2 Q. It then goes on to state, "I hope to</p> <p>3 receive it back today. I will forward it as</p> <p>4 soon as I get the information, that the draft</p> <p>5 is acceptable."</p> <p>6 Do you see that?</p> <p>7 A. Yes, I see that.</p> <p>8 Q. Did I read that correctly?</p> <p>9 A. Yes.</p> <p>10 Q. The next is -- in that string is an</p> <p>11 e-mail dated August 23, 2010 from Frank Devlin</p> <p>12 to John Mortelliti copying you, Amy Propatier,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. And it's regarding the DEA SOP.</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. It says, "Good morning, John. Can you</p> <p>19 work with Amy to get the PSE IRR and</p> <p>20 controlled drug IRR inserted into our DEA SOP</p> <p>21 under suspicious order monitoring? We</p> <p>22 promised this to the DEA by Wednesday."</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 88</p> <p>1 BY MR. BAKER:</p> <p>2 Q. This is Bates Number 88956 through</p> <p>3 89025, correct, the first page and the last</p> <p>4 page?</p> <p>5 A. Yes.</p> <p>6 Q. This is an e-mail from you, Amy</p> <p>7 Propatier, to Annette Lamoureux, dated</p> <p>8 8/26/2010; is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. And this relates to a DEA SOP</p> <p>11 8/25/2010, correct?</p> <p>12 A. 8/26?</p> <p>13 Q. It says DEA SOP --</p> <p>14 A. Oh wait, sorry.</p> <p>15 Q. -- 8/25/2010, does it not?</p> <p>16 A. Yes.</p> <p>17 Q. And then you turn the next page and it</p> <p>18 has the effective date of the standard</p> <p>19 operating procedures manual, was 12/1/07,</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. That was the initial written standard</p> <p>23 operating procedures manual of CVS. That's</p> <p>24 the first one, 12/1 of 2007, correct --</p>
<p style="text-align: right;">Page 87</p> <p>1 Q. Do you know what that is referencing</p> <p>2 "We promised this to the DEA by Wednesday,"</p> <p>3 what that's all about?</p> <p>4 A. I don't recall.</p> <p>5 Q. Did you know at the time of this</p> <p>6 e-mail that there was an inspection by the DEA</p> <p>7 going on at the Indianapolis distribution</p> <p>8 center?</p> <p>9 A. I can't say if I recall.</p> <p>10 Q. Do you recall what the reason was that</p> <p>11 this SOM policy -- this written SOM policy was</p> <p>12 attempting to be inserted into the standard</p> <p>13 operating procedure of CVS during that same</p> <p>14 time frame that the inspection was going on at</p> <p>15 the Indianapolis facility?</p> <p>16 MR. BUSH: Objection.</p> <p>17 A. I can't say I recall.</p> <p>18 BY MR. BAKER:</p> <p>19 Q. Now, let me show you what's marked as</p> <p>20 Exhibit No. 97.</p> <p>21</p> <p>22 (Exhibit No. 97 marked for</p> <p>23 identification.)</p> <p>24</p>	<p style="text-align: right;">Page 89</p> <p>1 MR. BUSH: Objection.</p> <p>2 BY MR. BAKER:</p> <p>3 Q. -- in this series?</p> <p>4 A. In this series.</p> <p>5 Q. Correct? Is that correct?</p> <p>6 A. For this document, yes.</p> <p>7 Q. And this revision is 8/25/2010,</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. And what was going on is that CVS, for</p> <p>11 the first time, was adding a written</p> <p>12 suspicious order monitoring policy within its</p> <p>13 standard operating procedure manual, correct?</p> <p>14 A. I can't say --</p> <p>15 MR. BUSH: Objection.</p> <p>16 A. -- that.</p> <p>17 BY MR. BAKER:</p> <p>18 Q. Are you familiar with whether -- let</p> <p>19 me ask you this: Do you know of any</p> <p>20 suspicious order monitoring written policy</p> <p>21 that was ever made part of a standard</p> <p>22 operating procedures manual for CVS before</p> <p>23 this date, 8/25/2010, reflected in your</p> <p>24 e-mail?</p>

<p style="text-align: right;">Page 90</p> <p>1 A. I can't recall.</p> <p>2 Q. Would the answer be no, you're not</p> <p>3 familiar with any prior written standard</p> <p>4 operating suspicious order monitoring written</p> <p>5 policy being inserted within an SOP before</p> <p>6 8/25/10? You're not familiar with that?</p> <p>7 MR. BUSH: Objection. Asked and</p> <p>8 answered.</p> <p>9 BY MR. BAKER:</p> <p>10 Q. You say you don't recall?</p> <p>11 A. Yeah I don't recall.</p> <p>12 Q. Let me ask you this way: Have you</p> <p>13 ever seen a written SOM, suspicious order</p> <p>14 monitoring, policy of CVS at any time that was</p> <p>15 part of the standard operating procedures</p> <p>16 manual of CVS at any time before 8/25/2010?</p> <p>17 MR. BUSH: Objection. Asked and</p> <p>18 answered.</p> <p>19 A. Yeah, I don't recall.</p> <p>20 BY MR. BAKER:</p> <p>21 Q. All right. Did you read this document</p> <p>22 that's called "DEA SOP 8/25/10" that's</p> <p>23 attached to this e-mail before you wrote this</p> <p>24 e-mail that says, "Can you please post? We</p>	<p style="text-align: right;">Page 92</p> <p>1 before yesterday, something that you review</p> <p>2 every week? Tell me. Tell me.</p> <p>3 A. I don't work with this document in my</p> <p>4 current role.</p> <p>5 Q. Had you ever read this document before</p> <p>6 yesterday?</p> <p>7 A. I'm sure I have, yes.</p> <p>8 Q. Do you know when that would have</p> <p>9 been?</p> <p>10 A. I can't remember.</p> <p>11 Q. Let me direct you to section Roman</p> <p>12 numeral 8, Subsection D. And it's Roman</p> <p>13 numeral 8-5.</p> <p>14 MR. BUSH: This is Bates Number</p> <p>15 8995; is that right?</p> <p>16 MR. BAKER: Yes. This is going</p> <p>17 to be page Number 8995. Give me just a</p> <p>18 second. Let's go off record for just a</p> <p>19 second.</p> <p>20 THE VIDEOGRAPHER: The time is</p> <p>21 10:55 am. We're off the record.</p> <p>22</p> <p>23 (Recess taken from 10:55 a.m.</p> <p>24 to 10:58 a.m.)</p>
<p style="text-align: right;">Page 91</p> <p>1 added this suspicious order monitoring"?</p> <p>2 Did you read the document before you</p> <p>3 asked for it to be posted?</p> <p>4 A. I can't remember.</p> <p>5 Q. At any time in your preparations for</p> <p>6 your testimony, have you reviewed this</p> <p>7 document?</p> <p>8 A. I've seen --</p> <p>9 MR. BUSH: You can say yes or</p> <p>10 no --</p> <p>11 A. Yes.</p> <p>12 MR. BUSH: -- but --</p> <p>13 A. Yes.</p> <p>14 BY MR. BAKER:</p> <p>15 Q. Yes?</p> <p>16 A. I've seen this document.</p> <p>17 Q. When did you last review this</p> <p>18 document?</p> <p>19 A. I saw it yesterday.</p> <p>20 Q. And when did you last see it before</p> <p>21 yesterday?</p> <p>22 A. I don't know. I can't recall.</p> <p>23 Q. Is this something that you review</p> <p>24 annually, something that you never reviewed</p>	<p style="text-align: right;">Page 93</p> <p>1</p> <p>2 THE VIDEOGRAPHER: The time is</p> <p>3 10:58 a.m. We're on the record.</p> <p>4 MR. BUSH: I'm going to object</p> <p>5 in the future for going off the record to try</p> <p>6 and figure out where you are in your</p> <p>7 questioning. This is your time.</p> <p>8 And I understand if there were</p> <p>9 problems with the witness answering, taking</p> <p>10 too long. And I understand you've got a time</p> <p>11 limit, but I don't think it's appropriate to</p> <p>12 go off the record while you try to figure out</p> <p>13 where you are in your questions.</p> <p>14 I'm just putting that on the record.</p> <p>15 We'll worry about that in the future.</p> <p>16 MR. BAKER: I'll just use my</p> <p>17 time as I deem appropriate.</p> <p>18 MR. BUSH: Well, I'm not</p> <p>19 necessarily agreeing that you get to go off</p> <p>20 the record. I'm telling you that now.</p> <p>21 Hopefully it won't be an issue.</p> <p>22 BY MR. BAKER:</p> <p>23 Q. Let me show you Exhibit No. 94.</p> <p>24</p>

Page 94	Page 96
<p>1 (Exhibit No. 94 marked for 2 identification.)</p> <p>3</p> <p>4 BY MR. BAKER:</p> <p>5 Q. I would ask you if you've ever seen 6 this exhibit before. That's an e-mail dated 7 11/5/2009.</p> <p>8 Do you see that?</p> <p>9 A. Uh-huh, yes.</p> <p>10 Q. Do you see where this is an e-mail 11 from Mr. John Mortelliti to Christopher Knight 12 dated 11/5/2009?</p> <p>13 A. Yes.</p> <p>14 Q. Who is John Mortelliti at this time of 15 2009?</p> <p>16 A. He worked in loss prevention in the 17 Lumberton distribution center.</p> <p>18 Q. And who is Christopher Knight 19 11/5/2009?</p> <p>20 A. I do not know.</p> <p>21 Q. Let me read the e-mail. Tell me if 22 this is a correct reading.</p> <p>23 It says, "Sounds good. I'm trying to 24 get a rough draft SOM SOP to you prior to the</p>	<p>1 e-mail?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Are you familiar with what the 4 big issue was with CVS and the DEA relative to 5 getting a rough draft of the SOM SOP?</p> <p>6 MR. BUSH: Objection. Go ahead.</p> <p>7 A. I don't know what he's referring to.</p> <p>8 BY MR. BAKER:</p> <p>9 Q. Other than participating with 10 requesting that the suspicious order 11 monitoring policy be inserted into the SOP on 12 8/25/2010, did you have anything at all to do 13 with that policy, whether it be drafting it or 14 implementing it, in your job at CVS?</p> <p>15 A. With the whole policy?</p> <p>16 Q. Yes, ma'am, the suspicious order 17 monitoring policy.</p> <p>18 A. I worked with implementing it, the 19 DCs, like sending it out to make sure 20 everybody had it, and updating information in 21 it.</p> <p>22 Q. Other than that, did you have anything 23 to do with it?</p> <p>24 A. As far as?</p>
Page 95	Page 97
<p>1 meeting. This is a big issue with CVS and the 2 DEA."</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know what the context of that 6 big issue is with CVS and the DEA relative to 7 an SOM SOP being drafted?</p> <p>8 A. I do not.</p> <p>9 MR. BUSH: Objection.</p> <p>10 Q. Okay. Let me --</p> <p>11 MR. BUSH: Let me just object.</p> <p>12 BY MR. BAKER:</p> <p>13 Q. I'll ask the question again because he 14 overrode your answer.</p> <p>15 MR. BUSH: No. Actually, I 16 think it's reflected on the record.</p> <p>17 BY MR. BAKER:</p> <p>18 Q. Let me read this again. It says, 19 "Sounds good. I'm trying to get a rough draft 20 SOM SOP to you prior to the meeting. This is 21 a big issue with CVS and the DEA."</p> <p>22 Do you see that, where I read that?</p> <p>23 A. Yes.</p> <p>24 Q. Is that a correct reading of that</p>	<p>1 Q. You've answered the question. Other 2 than that, did you?</p> <p>3 A. Not that I recall.</p> <p>4 Q. And insofar as you're implementing it, 5 the implementation of it would have been which 6 title job, the one listed in the SOM SOP or 7 the one that you're listed in personnel?</p> <p>8 A. Both titles were on my name, so I 9 would have e-mailed it out as my -- in my 10 script line.</p> <p>11 Q. Let me show you an exhibit that's an 12 e-mail dated 9/1/2010. And we'll mark it as 13 Exhibit No. 81.</p> <p>14</p> <p>15 (Exhibit No. 81 marked for 16 identification.)</p> <p>17</p> <p>18 BY MR. BAKER:</p> <p>19 Q. It's Bates Number 75299 through 75312. 20 Have you ever seen this e-mail before or this 21 e-mail string?</p> <p>22 A. (Witness reviews document.)</p> <p>23 MR. BUSH: Take your time and 24 look through it.</p>

<p style="text-align: right;">Page 98</p> <p>1 THE WITNESS: I am.</p> <p>2 A. (Witness reviews document.)</p> <p>3 Not that I recall.</p> <p>4 BY MR. BAKER:</p> <p>5 Q. Now, you recall that in that 8/25/10</p> <p>6 SOP and ones thereafter, you had a title that</p> <p>7 was DEA compliance coordinator. Do you</p> <p>8 remember that?</p> <p>9 A. Yes.</p> <p>10 Q. Now, let me ask you to look at the</p> <p>11 e-mail -- well, before I go to my next</p> <p>12 question, you remember that in personnel at no</p> <p>13 time were you ever listed in that position; is</p> <p>14 that correct?</p> <p>15 A. Correct.</p> <p>16 Q. Now, look at the e-mail on this</p> <p>17 document dated September 1, 2010 at 10:53 a.m.</p> <p>18 between John Mortelliti and various people.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. It talks about -- the subject is "DEA</p> <p>22 Speaking Points."</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 100</p> <p>1 something that's just there.</p> <p>2 Q. Okay. As opposed to a tool. What's a</p> <p>3 tool?</p> <p>4 MR. BUSH: Objection.</p> <p>5 A. I guess my definition of a tool is</p> <p>6 something you use.</p> <p>7 BY MR. BAKER:</p> <p>8 Q. Was your name being inserted into the</p> <p>9 SOM portion of the policies and procedures</p> <p>10 manual simply a prop when you were being</p> <p>11 described as DEA compliance coordinator?</p> <p>12 MR. BUSH: Objection.</p> <p>13 BY MR. BAKER:</p> <p>14 Q. Is that what it was?</p> <p>15 MR. BUSH: Objection.</p> <p>16 A. I don't recall my name in the SOM</p> <p>17 portion of the SOP.</p> <p>18 BY MR. BAKER:</p> <p>19 Q. I showed you one at a later date where</p> <p>20 you were put in there.</p> <p>21 MR. BUSH: Objection. That</p> <p>22 misstates the record. Objection.</p> <p>23 A. Yeah, I don't recall that that</p> <p>24 referred to me in the SOM capacity.</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. And the importance is high, correct?</p> <p>2 A. Yes.</p> <p>3 Q. It says, "Team, these are the final</p> <p>4 approved speaking points for the DEA agents if</p> <p>5 they come out -- if they come to one of your</p> <p>6 facilities and question suspicious monitoring.</p> <p>7 It is okay to share this document. Please be</p> <p>8 sure your team understands it before</p> <p>9 presenting it so it doesn't look like a prop</p> <p>10 instead of a tool."</p> <p>11 Is that what it says?</p> <p>12 A. That's what it says.</p> <p>13 Q. Is "prop" is something that's a false</p> <p>14 premise; is that correct?</p> <p>15 MR. BUSH: Objection.</p> <p>16 A. I don't know the definition off the</p> <p>17 top of my head.</p> <p>18 BY MR. BAKER:</p> <p>19 Q. What is a prop? What is a prop?</p> <p>20 MR. BUSH: Objection.</p> <p>21 BY MR. BAKER:</p> <p>22 Q. What do you -- what is your definition</p> <p>23 of a prop?</p> <p>24 A. My definition of a prop? I don't --</p>	<p style="text-align: right;">Page 101</p> <p>1 BY MR. BAKER:</p> <p>2 Q. Could you hand me Exhibit 204, please?</p> <p>3 MR. BUSH: You want her to hand</p> <p>4 you the one that she has or you want your own?</p> <p>5 MR. BAKER: Exhibit 204.</p> <p>6 MR. BUSH: She's going to need</p> <p>7 to look at it.</p> <p>8 BY MR. BAKER:</p> <p>9 Q. Do you remember, in Exhibit 204, I</p> <p>10 asked you to look at page X-8, which is 10-8,</p> <p>11 on Bates Number 8559?</p> <p>12 MR. BUSH: Okay. Hold on. Let</p> <p>13 me get where we are.</p> <p>14 BY MR. BAKER:</p> <p>15 Q. Do you remember that? Do you remember</p> <p>16 that?</p> <p>17 A. Yes, yes.</p> <p>18 Q. Do you remember where in this</p> <p>19 manual -- and this is the one that's</p> <p>20 updated -- this is 12/1/07 that was updated on</p> <p>21 8/25/10 where insertion of the SOM into the</p> <p>22 SOP exists. And now the most recent revision</p> <p>23 date in this document is 11/8/11 -- that it</p> <p>24 lists you as CVS DEA compliance coordinator?</p>

Page 102	Page 104
<p>1 Do you see that?</p> <p>2 MR. BUSH: Objection. You can</p> <p>3 answer.</p> <p>4 A. Yes.</p> <p>5 BY MR. BAKER:</p> <p>6 Q. Do you see in this document -- because</p> <p>7 there's an objection. I'm not sure what the</p> <p>8 objection is, so I'm going to keep asking the</p> <p>9 question until I get it right.</p> <p>10 There is a document that I've shown</p> <p>11 you on page X-8, which is Bates Number 8559,</p> <p>12 that lists you, Amy Propatier, as CVS DEA</p> <p>13 compliance coordinator, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And this is part of controlled drug</p> <p>16 DEA Standard Operating Procedures Manual of</p> <p>17 CVS distribution center, effective date</p> <p>18 12/1/07, last updated 11/8/11, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Were you the CVS DEA compliance</p> <p>21 coordinator when you participated via e-mail</p> <p>22 to have the SOM inserted into the SOP 8/25/10,</p> <p>23 yes or no?</p> <p>24 A. Yes.</p>	<p>1 just the SOM part.</p> <p>2 MR. BAKER: I'll restate the</p> <p>3 question.</p> <p>4 BY MR. BAKER:</p> <p>5 Q. Do you recall performing any duties as</p> <p>6 a CVS DEA compliance coordinator before</p> <p>7 8/25/10?</p> <p>8 A. In reference to the SOP? My title was</p> <p>9 pharmacy manager, but I don't recall</p> <p>10 specifically.</p> <p>11 Q. My question then is with you being</p> <p>12 described as the CVS DEA compliance</p> <p>13 coordinator on 8/25/10, was that a prop or was</p> <p>14 that a tool?</p> <p>15 MR. BUSH: Objection.</p> <p>16 A. That was --</p> <p>17 MR. BUSH: Go ahead.</p> <p>18 A. That was a contact tool.</p> <p>19 BY MR. BAKER:</p> <p>20 Q. A contact tool?</p> <p>21 A. Yes.</p> <p>22 Q. Other than a contact tool, was there</p> <p>23 any reason for you to be named as a DEA</p> <p>24 compliance coordinator 8/25/10, that you're</p>
Page 103	Page 105
<p>1 Q. Were you considered the CVS DEA</p> <p>2 compliance coordinator as a prop or as a</p> <p>3 tool?</p> <p>4 MR. BUSH: Objection.</p> <p>5 A. As a tool.</p> <p>6 BY MR. BAKER:</p> <p>7 Q. And your tools that you used to be CVS</p> <p>8 DEA compliance coordinator, 8/25/10, that you</p> <p>9 were implementing on 8/25/10 were exactly</p> <p>10 what?</p> <p>11 A. I was updating an SOP.</p> <p>12 Q. Other than updating an SOP, did you do</p> <p>13 anything in your duties as a DEA compliance</p> <p>14 coordinator 8/25/10?</p> <p>15 A. Not that I can recall.</p> <p>16 Q. And had you been doing anything up to</p> <p>17 8/25/10 as a CVS DEA compliance coordinator?</p> <p>18 MR. BUSH: May I ask a point of</p> <p>19 clarification?</p> <p>20 MR. BAKER: You can object to</p> <p>21 form.</p> <p>22 MR. BUSH: Well, I object to</p> <p>23 form. I think it's ambiguous, what you --</p> <p>24 whether you're asking about the whole SOP or</p>	<p>1 aware of?</p> <p>2 A. Not that I recall.</p> <p>3 Q. As a contact tool, that means that if</p> <p>4 the DEA comes knocking that they're supposed</p> <p>5 to contact you; is that right?</p> <p>6 A. No.</p> <p>7 Q. You're just a contact tool for the</p> <p>8 purpose of being somebody that has a title</p> <p>9 named DEA compliance coordinator to put into</p> <p>10 an SOM at that time; is that correct?</p> <p>11 A. No.</p> <p>12 Q. Are you familiar with what an IRR is?</p> <p>13 A. No.</p> <p>14 Q. If I told you that it was an internal</p> <p>15 review report would that surprise you?</p> <p>16 A. No.</p> <p>17 Q. Did you have anything to do as DEA</p> <p>18 compliance coordinator for CVS with either</p> <p>19 drafting policies and procedures that dealt</p> <p>20 with IRRs or implementing the IRR program?</p> <p>21 A. No.</p> <p>22 Q. Let me show you Exhibit No. 36.</p> <p>23</p> <p>24 (Exhibit No. 36 marked for</p>

<p style="text-align: right;">Page 106</p> <p>1 identification.)</p> <p>2</p> <p>3 BY MR. BAKER:</p> <p>4 Q. It is Bates Number 12286. It's an</p> <p>5 e-mail dated 12/26/2011, subject matter, "IRR</p> <p>6 bullet points revised DEA speaking points."</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. The prior e-mail I showed you that</p> <p>10 discussed a prop versus a tool. That was also</p> <p>11 a DEA speaking point e-mail, correct? We'll</p> <p>12 let it speak for itself --</p> <p>13 A. Yes.</p> <p>14 Q. -- but you recall that, right?</p> <p>15 A. Yes, I recall that.</p> <p>16 Q. And it was a DEA speaking point e-mail</p> <p>17 was it not?</p> <p>18 MR. BUSH: Exhibit 81.</p> <p>19 A. Was it this one?</p> <p>20 (Witness reviews document.)</p> <p>21 That's what it refers to.</p> <p>22 BY MR. BAKER:</p> <p>23 Q. And here's another DEA speaking points</p> <p>24 e-mail dated 12/26/2011, correct?</p>	<p style="text-align: right;">Page 108</p> <p>1 context of being named that, whether you</p> <p>2 actually did anything or not, that the IRR's</p> <p>3 mandated by the DEA; therefore, CVS had to</p> <p>4 adhere to this monitoring policy?</p> <p>5 MR. BUSH: Objection.</p> <p>6 A. Can you say that again?</p> <p>7 BY MR. BAKER:</p> <p>8 Q. In your title as DEA compliance</p> <p>9 coordinator, were you ever taught that the IRR</p> <p>10 is mandated by the DEA?</p> <p>11 A. Not that I recall.</p> <p>12 Q. Do you disagree with this e-mail that</p> <p>13 Mr. Lawson is sending to Mr. Scholl, that the</p> <p>14 IRR is mandated by the DEA, therefore, "we,"</p> <p>15 meaning CVS, have to adhere to this monitoring</p> <p>16 policy?</p> <p>17 MR. BUSH: Objection.</p> <p>18 BY MR. BAKER:</p> <p>19 Q. Do you disagree with that?</p> <p>20 MR. BUSH: Objection.</p> <p>21 A. No.</p> <p>22 BY MR. BAKER:</p> <p>23 Q. You were never told as DEA compliance</p> <p>24 coordinator -- in your title as a DEA</p>
<p style="text-align: right;">Page 107</p> <p>1 A. Yes.</p> <p>2 Q. This says -- below, at the bottom, the</p> <p>3 last paragraph, this is from Paul Lawson to</p> <p>4 Joseph Scholl, 12/26/2011, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And do you know who Paul Lawson was at</p> <p>7 the time of this e-mail?</p> <p>8 A. I know the name.</p> <p>9 Q. Do you know what department he was in?</p> <p>10 A. I don't remember.</p> <p>11 Q. Do you know Joseph Scholl at the time</p> <p>12 of this e-mail?</p> <p>13 A. I know the name.</p> <p>14 Q. Do you know what department he was in?</p> <p>15 A. I don't recall.</p> <p>16 Q. Let me read the last paragraph of this</p> <p>17 e-mail. It says, "The IRR is mandated by the</p> <p>18 DEA; therefore, we have to adhere to this</p> <p>19 monitoring policy."</p> <p>20 Is that a correct reading of that</p> <p>21 e-mail?</p> <p>22 A. Yes.</p> <p>23 Q. And do you understand, as DEA</p> <p>24 compliance coordinator, at least in the</p>	<p style="text-align: right;">Page 109</p> <p>1 compliance regulator that an IRR program was</p> <p>2 even going on within CVS?</p> <p>3 MR. BUSH: Objection. Misstates</p> <p>4 her title.</p> <p>5 BY MR. BAKER:</p> <p>6 Q. What was your title?</p> <p>7 A. Coordinator.</p> <p>8 MR. BUSH: You used the word</p> <p>9 "regulator."</p> <p>10 A. Yes, yes.</p> <p>11 BY MR. BAKER:</p> <p>12 Q. As DEA compliance coordinator at CVS,</p> <p>13 were you ever even told about the IRR program</p> <p>14 and what it meant and how it was</p> <p>15 implemented?</p> <p>16 A. Not that I recall.</p> <p>17 Q. As DEA compliance coordinator, did you</p> <p>18 ever participate in conference calls relative</p> <p>19 to the controlled drug IRR implementation?</p> <p>20 A. No, not that I recall.</p> <p>21 Q. Let me show you Exhibit No. 17.</p> <p>22</p> <p>23 (Exhibit No. 17 marked for</p> <p>24 identification.)</p>

<p style="text-align: right;">Page 110</p> <p>1</p> <p>2 BY MR. BAKER:</p> <p>3 Q. Could you pull up Exhibit 17, please?</p> <p>4 And do you see where this is called "A</p> <p>5 controlled drug IRR implementation conference</p> <p>6 call"? Do you see that? It's dated</p> <p>7 9/24/2010.</p> <p>8 A. Yes, I do.</p> <p>9 Q. Now, this is about a month after you</p> <p>10 participated in inserting the SOM into the SOP</p> <p>11 for CVS, correct?</p> <p>12 A. Yes.</p> <p>13 Q. When I say "inserted," you inserted</p> <p>14 the written SOM into the written SOP for CVS;</p> <p>15 is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Exactly how did you perform this task</p> <p>18 of insertion of the SOM into the SOP when you</p> <p>19 performed that insertion task? What did you</p> <p>20 do -- what exactly did you do to physically or</p> <p>21 electronically insert that SOM into the SOP?</p> <p>22 A. I don't recall specifically, but I can</p> <p>23 speculate that I probably copied and pasted</p> <p>24 the document from the resource that I got it</p>	<p style="text-align: right;">Page 112</p> <p>1 DEA compliance coordinator for CVS at least as</p> <p>2 a title put within the SOM -- written SOM, you</p> <p>3 were also working in logistics; is that</p> <p>4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. And logistics would include somebody</p> <p>7 that would have been briefed on the IRR</p> <p>8 process, according to this conference call,</p> <p>9 down at the bottom, where it says, "Friday,</p> <p>10 9/24, logistics will be briefed on the IRR</p> <p>11 process."</p> <p>12 That would be you; is that correct?</p> <p>13 A. I can't --</p> <p>14 MR. BUSH: Objection.</p> <p>15 A. I can't say if that would have been</p> <p>16 me.</p> <p>17 BY MR. BAKER:</p> <p>18 Q. Let me ask you to read this with me.</p> <p>19 Does this document say, "Friday, 9/24,</p> <p>20 logistics will be briefed on the IRR process."</p> <p>21 MR. BUSH: Objection.</p> <p>22 BY MR. BAKER:</p> <p>23 Q. Does it say that?</p> <p>24 MR. BUSH: Objection.</p>
<p style="text-align: right;">Page 111</p> <p>1 from.</p> <p>2 Q. That's insertion?</p> <p>3 A. Yeah.</p> <p>4 Q. Copying and pasting a document into</p> <p>5 another document makes it become part of an</p> <p>6 inserted policy within the SOP?</p> <p>7 A. Yes.</p> <p>8 Q. Other than that, did you have anything</p> <p>9 to do with the insertion process?</p> <p>10 MR. BUSH: Objection.</p> <p>11 A. I don't know what you mean.</p> <p>12 BY MR. BAKER:</p> <p>13 Q. Let's take a look at Exhibit No. 17.</p> <p>14 Have you ever seen this before?</p> <p>15 A. Not that I recall.</p> <p>16 Q. Again, it's a subject controlled drug</p> <p>17 IRR implementation conference call 9/24/2010,</p> <p>18 Bates Number 24559, correct?</p> <p>19 MR. BUSH: Take your time and</p> <p>20 look at it.</p> <p>21 A. (Witness reviews document.)</p> <p>22 Correct.</p> <p>23 BY MR. BAKER:</p> <p>24 Q. Now, at the time, in addition to being</p>	<p style="text-align: right;">Page 113</p> <p>1 A. It says that.</p> <p>2 BY MR. BAKER:</p> <p>3 Q. At the time this document was</p> <p>4 generated, 9/24/2010, your title within</p> <p>5 logistics was what again?</p> <p>6 A. Logistics pharmacy services manager.</p> <p>7 Q. And would logistics pharmacy services</p> <p>8 managers have anything to do with the</p> <p>9 controlled drug IRR implementation?</p> <p>10 A. Not that I can recall.</p> <p>11 Q. Not that you ever recall being</p> <p>12 involved with?</p> <p>13 A. No.</p> <p>14 Q. It says "All DCs have confirmed the</p> <p>15 IRRs available."</p> <p>16 Were you one of those DC people who</p> <p>17 confirmed the IRRs available?</p> <p>18 A. No.</p> <p>19 Q. It goes on to state "Monday, 9/27,</p> <p>20 through 10/1" -- again, we're referencing 2010</p> <p>21 in this document?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Correct?</p> <p>24 A. Correct.</p>

Page 114

1 Q. -- "that all DCs will begin reviewing
 2 the IRRs and reporting any questions to the LP
 3 manager or John Mortelliti. During this time,
 4 John Mortelliti will be updating and preparing
 5 the field LP team."
 6 Do you know what that means when it
 7 says, "All DCs will begin reviewing the IRRs"?
 8 A. I do not know what it means.
 9 Q. Let's go to the next document.
 10
 11 (Exhibit No. 67 marked for
 12 identification.)
 13
 14 BY MR. BAKER:
 15 Q. I'm going to show you what's marked as
 16 Exhibit No. 67.
 17 This is an e-mail from Aaron Burtner
 18 to Christopher Tulley and Pamela Hinkle dated
 19 11/11/2012 with Bates Number 55834.
 20 Do you see that?
 21 A. I do see that.
 22 Q. Okay. It says -- this says, "Chris,
 23 Pam will be able to shed more light, but two
 24 big reasons, review consistency with having

Page 115

1 just one person completing the reviews rather
 2 than 11 people. With Pam in Knoxville, they
 3 wanted the reviews completed there so she
 4 could manage the process."
 5 Do you have any idea what that's
 6 talking about?
 7 A. I do --
 8 MR. BUSH: Objection.
 9 A. I do not.
 10 BY MR. BAKER:
 11 Q. You do not. Below that, it discusses
 12 what's going on as to why that answer's being
 13 given November 11, 2012 at 7:15 a.m., an
 14 e-mail from Christopher Tulley to Pamela
 15 Hinkle with a copy to Aaron Burtner. And it
 16 says "Hi, guys. I met with John A. and Ellen
 17 on Friday. They advised when this program was
 18 initially designed, it was meant for the
 19 review that Aaron does to be done in all 11
 20 DCs. Do you know why and when it was
 21 consolidated to just one DC doing the review?
 22 Thanks, Chris."
 23 Did I read that correctly?
 24 A. You did.

Page 116

1 Q. Is it true that at the time this
 2 e-mail was written, November 2012, that one
 3 person was reviewing all of the internal
 4 review reports for CVS instead of having it
 5 done in all 11 distribution centers?
 6 MR. BUSH: Objection.
 7 BY MR. BAKER:
 8 Q. Is it true?
 9 MR. BUSH: Objection.
 10 A. I can't say if I know that to be true.
 11 BY MR. BAKER:
 12 Q. Is that what the document indicates,
 13 that just one person was doing the IRR reviews
 14 at the time this e-mail was written, November
 15 11, 2011?
 16 MR. BUSH: Objection.
 17 A. I can't say if that's what it
 18 indicates.
 19 BY MR. BAKER:
 20 Q. Do you know what it meant when the
 21 answer was given above that question as to
 22 review consistency with just having one person
 23 completing the reviews rather than 11 people?
 24 Do you know what that meant?

Page 117

1 MR. BUSH: Objection.
 2 A. I can't say I know what it means.
 3 BY MR. BAKER:
 4 Q. Do you know why CVS chose to only have
 5 one person review all of the IRRs for CVS as
 6 opposed to 11 people in 11 different
 7 distribution centers?
 8 MR. BUSH: Objection.
 9 A. I can't answer that.
 10 BY MR. BAKER:
 11 Q. As a DEA compliance coordinator, did
 12 you ever take an interest in learning about
 13 IRRs and how they were implemented by CVS?
 14 A. IRR didn't fall under my
 15 responsibilities.
 16 BY MR. BAKER:
 17 Q. As the DEA compliance coordinator, it
 18 didn't fall under your responsibilities?
 19 A. Correct.
 20 Q. Now, you saw the e-mail earlier where
 21 it was discussed within your organization that
 22 these IRRs are mandated by the DEA. Do you
 23 remember me showing you that e-mail?
 24 MR. BUSH: Objection.

<p style="text-align: right;">Page 118</p> <p>1 A. Yes.</p> <p>2 MR. BUSH: Well --</p> <p>3 BY MR. BAKER:</p> <p>4 Q. Do you remember seeing that e-mail?</p> <p>5 A. I remember seeing that e-mail.</p> <p>6 Q. Okay. And something that's mandated</p> <p>7 by the DEA would fall under DEA compliance,</p> <p>8 would it not?</p> <p>9 MR. BUSH: Objection.</p> <p>10 BY MR. BAKER:</p> <p>11 Q. Yes or no?</p> <p>12 A. Yes.</p> <p>13 Q. And so if something's mandated by the</p> <p>14 DEA, why would you as the DEA compliance</p> <p>15 person not be familiar with anything having to</p> <p>16 do with the IRR?</p> <p>17 A. Because I had different areas of</p> <p>18 responsibility.</p> <p>19 Q. Are you familiar with the term "active</p> <p>20 ingredient"?</p> <p>21 A. Yes.</p> <p>22 Q. Let me show you an e-mail that's</p> <p>23 marked Exhibit 82.</p> <p>24</p>	<p style="text-align: right;">Page 120</p> <p>1 at the time this was written, 10/12 of 2010?</p> <p>2 MR. BUSH: Objection.</p> <p>3 A. I can't say if I know that to be</p> <p>4 true.</p> <p>5 BY MR. BAKER:</p> <p>6 Q. As DEA compliance coordinator, were</p> <p>7 you informed that John Mortelliti, on</p> <p>8 10/12/2010, was handling the controlled drug</p> <p>9 IRR for CVS?</p> <p>10 MR. BUSH: Objection.</p> <p>11 A. Can you say that again?</p> <p>12 BY MR. BAKER:</p> <p>13 Q. As DEA compliance -- what was it, DEA</p> <p>14 compliance what?</p> <p>15 A. Coordinator.</p> <p>16 Q. As DEA compliance coordinator, were</p> <p>17 you ever informed that one person, John</p> <p>18 Mortelliti, in October of 2010, was handling</p> <p>19 the controlled drug IRRs for CVS?</p> <p>20 MR. BUSH: Objection.</p> <p>21 A. Not that I recall.</p> <p>22 BY MR. BAKER:</p> <p>23 Q. Is that what was going on at the time?</p> <p>24 A. I can't answer that to be true or not.</p>
<p style="text-align: right;">Page 119</p> <p>1 (Exhibit No. 82 marked for</p> <p>2 identification.)</p> <p>3</p> <p>4 BY MR. BAKER:</p> <p>5 Q. And it's Bates Number 75542. The</p> <p>6 e-mail is dated 10/12/2010 from John</p> <p>7 Mortelliti to Todd Janson within CVS.</p> <p>8 You know John Mortelliti, correct?</p> <p>9 A. Yes, I know who he is.</p> <p>10 Q. And you know Todd Janson?</p> <p>11 A. I know who Todd Janson is?</p> <p>12 Q. Who was Todd Janson at the time this</p> <p>13 e-mail was written?</p> <p>14 A. I believe at the time he was loss</p> <p>15 prevention in Vero Beach.</p> <p>16 Q. It goes on to state "Todd" -- this is</p> <p>17 from John Mortelliti, 10/12/2010 -- "Todd, I</p> <p>18 sent you an e-mail about two weeks ago</p> <p>19 explaining why I am handling the controlled</p> <p>20 drug IRR for the time being."</p> <p>21 Did I read that correctly?</p> <p>22 A. Yes.</p> <p>23 Q. Is it true that John Mortelliti was</p> <p>24 singularly handling the controlled drugs IRR</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. Okay. Did you -- read the next</p> <p>2 sentence. It says, "Dean, there's a rewrite</p> <p>3 we are trying to get approved for the</p> <p>4 controlled drug IRR. The current report shows</p> <p>5 controlled drugs by item instead of active</p> <p>6 ingredients, such as PSE."</p> <p>7 Were you familiar with that, that the</p> <p>8 controlled drug IRR at the time did not show</p> <p>9 drugs by active ingredient?</p> <p>10 A. I'm not familiar with the IRR report.</p> <p>11 Q. Do you know the significance of not</p> <p>12 having a drug described by active ingredient</p> <p>13 in the context of suspicious order monitoring?</p> <p>14 A. I can't say I'm familiar with it.</p> <p>15 Q. As DEA compliance coordinator, is it</p> <p>16 important for you to understand whether the</p> <p>17 DEA might require that in order to conduct</p> <p>18 suspicious order monitoring a drug needs to be</p> <p>19 described by active ingredient?</p> <p>20 MR. BUSH: Objection.</p> <p>21 A. I can't say. I was not responsible</p> <p>22 for suspicious order monitoring.</p> <p>23 BY MR. BAKER:</p> <p>24 Q. Do you know whether or not it's</p>

<p style="text-align: right;">Page 122</p> <p>1 required to describe a drug by active 2 ingredient in order to be in compliance with 3 DEA standards? 4 A. I do not know. 5 MR. BAKER: Let's take a short 6 break. This will count as my time. 7 MR. BUSH: This will what? 8 MR. BAKER: Count as my time. 9 MR. BUSH: Okay. So we're still 10 on the record? 11 MR. BAKER: Yes. 12 MR. BUSH: All right. 13 MR. BAKER: Off the record 14 insofar as -- 15 MR. BUSH: We can talk? 16 MR. BAKER: Yes. 17 (Pause in proceedings.) 18 BY MR. BAKER: 19 Q. I'm going to show you Exhibit No. 55. 20 It's Bates Number 34175. 21 22 (Exhibit No. 55 marked for 23 identification.) 24</p>	<p style="text-align: right;">Page 124</p> <p>1 A. Yes. 2 Q. It says, "We need controlled drugs to 3 be monitored by active ingredient. Currently, 4 the controlled drugs are monitored by item. 5 The IRR loses all order history when the info 6 on the team changes" -- 7 MR. BUSH: The item, item on 8 the -- 9 BY MR. BAKER: 10 Q. "The item changes, causing CVS to be 11 noncompliant with DEA expectations." Is that 12 what it states? 13 A. That's what it states. 14 Q. I made a grammatical error. Let me 15 just repeat the sentence. 16 "The IRR loses all history when the 17 info on the item changes causing CVS to be 18 noncompliant with DEA expectations." 19 Is that what the sentence says in that 20 document? 21 A. Yes. 22 Q. And this is John Mortelliti drafting 23 this sentence; is that correct? 24 MR. BUSH: Objection.</p>
<p style="text-align: right;">Page 123</p> <p>1 BY MR. BAKER: 2 Q. It's from CVS pharmacy. It's called a 3 Business Idea Description and it's from 4 Mr. John Mortelliti. 5 Do you see that? 6 A. Yes. 7 Q. Could you highlight in the summary 8 description and objectives, please, in that 9 box, the first box down? 10 So you see in the summary description 11 and objectives that John Mortelliti for CVS 12 pharmacy -- he's saying that "DEA expects CVS 13 to prevent suspicious orders from being filled 14 out of our DCs." 15 Is that correct that -- did I state 16 that correctly? 17 A. Uh-huh. 18 Q. Yes? 19 A. Yes. 20 Q. It says, "The current IRR does not 21 provide the proper information to meet the 22 DEA's needs." 23 Is that correct? Did I state that 24 correctly?</p>	<p style="text-align: right;">Page 125</p> <p>1 A. I can't say for sure. That's what it 2 looks like. 3 BY MR. BAKER: 4 Q. This -- this is a CVS document called 5 a Business Idea Description? 6 A. Uh-huh. 7 Q. Correct? 8 A. Uh-huh. 9 Q. Yes? 10 A. Yes. 11 Q. And so as DEA compliance coordinator, 12 you know that CVS needs to -- needs controlled 13 drugs to be monitored by active ingredient in 14 order to be compliant with DEA expectations, 15 correct? 16 MR. BUSH: Objection. 17 A. I can't say I know. 18 BY MR. BAKER: 19 Q. You cannot disagree with that 20 statement, can you? 21 MR. BUSH: Objection. 22 A. I can't agree with it. 23 BY MR. BAKER: 24 Q. You cannot disagree with that</p>

<p style="text-align: right;">Page 126</p> <p>1 statement, can you, that the IRR loses all</p> <p>2 history -- all order history when the info on</p> <p>3 the item changes causing CVS to be</p> <p>4 noncompliant with DEA expectations? You don't</p> <p>5 disagree with that statement, do you?</p> <p>6 MR. BUSH: Objection.</p> <p>7 A. I don't have enough information to</p> <p>8 have an opinion on it.</p> <p>9 BY MR. BAKER:</p> <p>10 Q. So you can neither agree nor disagree,</p> <p>11 with that statement; is that correct?</p> <p>12 A. That's correct.</p> <p>13 Q. Did you ever talk to John Mortelliti</p> <p>14 as DEA compliance coordinator -- in your job</p> <p>15 as DEA compliance coordinator about the</p> <p>16 problems associated with controlled drugs</p> <p>17 being monitored -- not being monitored by</p> <p>18 active ingredient?</p> <p>19 A. Not that I recall.</p> <p>20 Q. Did you ever get involved as a DEA</p> <p>21 compliance coordinator with CVS with anything</p> <p>22 dealing with active ingredient?</p> <p>23 A. Not that I recall.</p> <p>24 Q. As DEA compliance coordinator, did you</p>	<p style="text-align: right;">Page 128</p> <p>1 A. Yes.</p> <p>2 Q. Other than that, did you do anything</p> <p>3 as a DEA compliance coordinator?</p> <p>4 A. Not that I recall.</p> <p>5 Q. Except for we know, according to the</p> <p>6 e-mails at least, you will agree with me, that</p> <p>7 you --</p> <p>8 A. Updated SOPs.</p> <p>9 Q. -- that you inserted the SOM --</p> <p>10 A. Yes.</p> <p>11 Q. -- into is SOP --</p> <p>12 A. Yes.</p> <p>13 Q. -- 8/25/10?</p> <p>14 A. Yes. I was a central point of contact</p> <p>15 for SOPs.</p> <p>16 Q. Were you a central point of contact if</p> <p>17 the DEA came for inspections?</p> <p>18 A. I would be notified, yes.</p> <p>19 Q. Would you inform the DEA what was</p> <p>20 being done to be compliant with DEA</p> <p>21 expectations --</p> <p>22 A. Would I --</p> <p>23 Q. -- when the DEA came?</p> <p>24 A. Would I inform --</p>
<p style="text-align: right;">Page 127</p> <p>1 ever get involved with any activities that</p> <p>2 caused CVS to be DEA complaint?</p> <p>3 MR. BUSH: Objection.</p> <p>4 BY MR. BAKER:</p> <p>5 Q. As DEA compliance coordinator, did you</p> <p>6 ever get involved in any activities that would</p> <p>7 have caused CVS to be DEA compliant?</p> <p>8 MR. BUSH: In any respect?</p> <p>9 MR. BAKER: In any respect.</p> <p>10 A. In any respect?</p> <p>11 BY MR. BAKER:</p> <p>12 Q. Yes, ma'am.</p> <p>13 A. Yes. In some respects, yes.</p> <p>14 Q. In some respects. Tell us exactly</p> <p>15 what you did as DEA compliance coordinator to</p> <p>16 cause CVS to be DEA compliant, if anything.</p> <p>17 A. I submitted ARCOS reporting.</p> <p>18 Q. Other than that?</p> <p>19 A. Not that I can recall.</p> <p>20 Q. ARCOS reporting is simply what?</p> <p>21 A. Narcotic drug reporting.</p> <p>22 Q. Of how much is distributed by the</p> <p>23 distribution center to the retail</p> <p>24 pharmacies?</p>	<p style="text-align: right;">Page 129</p> <p>1 Q. Yes, yes.</p> <p>2 A. -- the DEA?</p> <p>3 Q. Yes, yes.</p> <p>4 A. No.</p> <p>5 Q. Did you ever represent CVS as DEA</p> <p>6 compliance coordinator when there were</p> <p>7 inspections done of CVS distribution</p> <p>8 centers?</p> <p>9 MR. BUSH: Objection.</p> <p>10 A. No.</p> <p>11 BY MR. BAKER:</p> <p>12 Q. Did you ever -- were you ever informed</p> <p>13 that there was a movement within CVS to try to</p> <p>14 get the controlled drug IRR described by</p> <p>15 active ingredient? Were you ever informed of</p> <p>16 that?</p> <p>17 A. Not that I recall.</p> <p>18 Q. Were you ever informed by CVS, as DEA</p> <p>19 compliance coordinator, that there was an</p> <p>20 algorithm system that was attempted to be used</p> <p>21 by CVS for suspicious order monitoring</p> <p>22 purposes?</p> <p>23 A. Not that I recall.</p> <p>24 Q. Were you ever informed, as DEA</p>

<p style="text-align: right;">Page 130</p> <p>1 compliance coordinator at CVS, that there was</p> <p>2 some scoring system used within the algorithm</p> <p>3 system?</p> <p>4 A. Not that I recall.</p> <p>5 Q. Were you ever informed by CVS, as DEA</p> <p>6 compliance coordinator, that there was a</p> <p>7 request to change the parameters within that</p> <p>8 algorithm system?</p> <p>9 A. Not that I recall.</p> <p>10 Q. As DEA compliance coordinator, did you</p> <p>11 ever review anything about the algorithm</p> <p>12 system that CVS was attempting to use for</p> <p>13 suspicious order monitoring?</p> <p>14 A. No, not that I recall.</p> <p>15 Q. As CVS DEA compliance coordinator, did</p> <p>16 you ever have anything to do with hiring or</p> <p>17 consulting with outside consultants for the</p> <p>18 purpose of trying to develop a suspicious</p> <p>19 order monitoring program?</p> <p>20 A. Not that I recall.</p> <p>21 Q. As DEA compliance coordinator, did you</p> <p>22 ever have anything to do with retuning any of</p> <p>23 the suspicious order monitoring programs that</p> <p>24 had been developed by outside companies for</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. As CVS compliance coordinator, would</p> <p>2 you not be interested in knowing how a store</p> <p>3 metrics system would affect a suspicious order</p> <p>4 monitoring system for CVS?</p> <p>5 MR. BUSH: Objection.</p> <p>6 BY MR. BAKER:</p> <p>7 Q. Would you not be interested in that?</p> <p>8 MR. BUSH: Objection.</p> <p>9 A. I didn't oversee SOM.</p> <p>10 BY MR. BAKER:</p> <p>11 Q. Have you ever seen a store metrics</p> <p>12 sheet for CVS?</p> <p>13 A. Not that I recall.</p> <p>14 Q. Do you know what a LAG is?</p> <p>15 A. In reference to?</p> <p>16 Q. The suspicious order monitoring</p> <p>17 system?</p> <p>18 A. No, I can't say that I do.</p> <p>19 Q. Let me repeat the question.</p> <p>20 Do you know what a LAG is in the</p> <p>21 context of a suspicious order monitoring</p> <p>22 system for CVS?</p> <p>23 A. No, I can't say that I do.</p> <p>24 Q. Do you know what a threshold is in the</p>
<p style="text-align: right;">Page 131</p> <p>1 CVS?</p> <p>2 A. Not that I recall.</p> <p>3 Q. As CVS compliance coordinator, did you</p> <p>4 ever see the CVS algorithm based suspicious</p> <p>5 order monitoring system implemented?</p> <p>6 A. No, not that I recall.</p> <p>7 Q. Are you familiar with the term "store</p> <p>8 metrics report"?</p> <p>9 A. No.</p> <p>10 Q. You do not even know what a store</p> <p>11 metrics report is, do you?</p> <p>12 A. No.</p> <p>13 Q. As CVS compliance coordinator, you</p> <p>14 were never informed by anybody within CVS or</p> <p>15 otherwise about the importance of a store</p> <p>16 metrics report?</p> <p>17 A. Not that I recall.</p> <p>18 Q. Do you even know what a store metrics</p> <p>19 report measures or how it is measured?</p> <p>20 A. I can't say that I do know.</p> <p>21 Q. Do you know the importance of store</p> <p>22 metrics within the context of operating a</p> <p>23 suspicious order monitoring system?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 133</p> <p>1 context of a suspicious order monitoring</p> <p>2 system for CVS?</p> <p>3 A. I can't say I know.</p> <p>4 Q. As DEA compliance coordinator, you do</p> <p>5 not know what a threshold is in the context of</p> <p>6 suspicious order monitoring for CVS; is that</p> <p>7 correct?</p> <p>8 A. I can't say for certain what it is,</p> <p>9 no.</p> <p>10 Q. As DEA compliance coordinator for CVS,</p> <p>11 you do not know whether or not the threshold</p> <p>12 system is the basis for the suspicious order</p> <p>13 monitoring system, do you?</p> <p>14 A. No, I can't say.</p> <p>15 Q. As the -- as a --</p> <p>16 MR. BAKER: Let's go off record</p> <p>17 for just a second. What time is it?</p> <p>18 MR. BUSH: 11:42.</p> <p>19 THE VIDEOGRAPHER: The time is</p> <p>20 11:43 a.m. We're off the record.</p> <p>21</p> <p>22 (Off the record at 11:43 a.m.)</p> <p>23</p> <p>24 MR. BAKER: Let's go back on the</p>

<p style="text-align: right;">Page 134</p> <p>1 record.</p> <p>2 THE VIDEOGRAPHER: The time is</p> <p>3 11:43 a.m. and we're on the record.</p> <p>4 BY MR. BAKER:</p> <p>5 Q. The place where you're considered DEA</p> <p>6 compliance coordinator is in the corporate</p> <p>7 office; is that correct?</p> <p>8 A. In reference -- in SOP reference.</p> <p>9 Q. And corporate would mean CVS Pharmacy;</p> <p>10 is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Does CVS Pharmacy write these</p> <p>13 suspicious order monitoring policies for CVS</p> <p>14 distribution centers?</p> <p>15 A. I can't say that I know.</p> <p>16 Q. As CVS corporate DEA compliance</p> <p>17 coordinator, are you familiar with how the</p> <p>18 description of drugs by drug companies to CVS</p> <p>19 Pharmacy and CVS distribution centers affects</p> <p>20 the adequacy or efficacy of a suspicious order</p> <p>21 monitoring program?</p> <p>22 A. No, I can't say that I do.</p> <p>23 Q. Let me show you an e-mail that I'll</p> <p>24 mark as Exhibit No. 54.</p>	<p style="text-align: right;">Page 136</p> <p>1 Something else changed or just about every</p> <p>2 company we deal with has changed the</p> <p>3 description on their drugs. Whatever you can</p> <p>4 do to help expedite this process would be</p> <p>5 greatly appreciated. I'm now reviewing the</p> <p>6 network control IRR on common sense as opposed</p> <p>7 to IRR historical data. I know that is scary.</p> <p>8 Be nice."</p> <p>9 Were you familiar with that e-mail</p> <p>10 being sent?</p> <p>11 A. No, I'm not.</p> <p>12 Q. Do you know what a controlled drug IRR</p> <p>13 is as DEA compliance coordinator?</p> <p>14 A. No.</p> <p>15 Q. Were you aware that a person who was</p> <p>16 reviewing LAGs on IRR reports for CVS, that</p> <p>17 being John Mortelliti, October 6, 2010,</p> <p>18 according to this e-mail, was concerned to the</p> <p>19 point where he called it "scary" that he was</p> <p>20 reviewing drugs based upon changes of the</p> <p>21 names by the drug companies in the context of</p> <p>22 reviewing LAG reports? Do you know that?</p> <p>23 MR. BUSH: Objection.</p> <p>24 A. No, I don't recall that.</p>
<p style="text-align: right;">Page 135</p> <p>1</p> <p>2 (Exhibit No. 54 marked for</p> <p>3 identification.)</p> <p>4</p> <p>5 BY MR. BAKER:</p> <p>6 Q. And it's Bates Numbers 34168 through</p> <p>7 34171. It's dated 10/14/2010 by a person</p> <p>8 named Gary --</p> <p>9 A. Misiaszek.</p> <p>10 Q. -- Misiaszek to John Mortelliti. I'll</p> <p>11 hand you a copy.</p> <p>12 Go to the second page there, if you</p> <p>13 would. It's Bates Number 34169 and it's an</p> <p>14 e-mail dated October 6, 2010 from John</p> <p>15 Mortelliti to Gary Misiaszek, copy to Frank</p> <p>16 Devlin, regarding "controlled drug IRR</p> <p>17 important info, importance high."</p> <p>18 Is that what that says?</p> <p>19 A. Yes.</p> <p>20 Q. Have you ever seen this e-mail before?</p> <p>21 A. Not that I recall.</p> <p>22 Q. Its starts with "Gary, all but one</p> <p>23 item in the network was missing, three to four</p> <p>24 items of LAG info on today's report.</p>	<p style="text-align: right;">Page 137</p> <p>1 BY MR. BAKER:</p> <p>2 Q. Did this issue that's described in</p> <p>3 this e-mail dated October 6, 2010 from John</p> <p>4 Mortelliti to Gary Misiaszek concern you as</p> <p>5 DEA compliance coordinator?</p> <p>6 MR. BUSH: Hold on for a second.</p> <p>7 A. I can't say.</p> <p>8 MR. BUSH: Hold on.</p> <p>9 THE WITNESS: I'm sorry.</p> <p>10 MR. BAKER: I'll repeat the</p> <p>11 question.</p> <p>12 MR. BUSH: Thank you.</p> <p>13 BY MR. BAKER:</p> <p>14 Q. Did this e-mail dated October 6, 2010</p> <p>15 from John Mortelliti to Gary Misiaszek where</p> <p>16 he's describing the experience as being</p> <p>17 "scary," concern you as the DEA compliance</p> <p>18 coordinator?</p> <p>19 MR. BUSH: Objection.</p> <p>20 A. I can't say I was aware of the</p> <p>21 situation.</p> <p>22 Q. It was never brought to your attention</p> <p>23 as DEA compliance coordinator for the</p> <p>24 corporate office of CVS?</p>

<p style="text-align: right;">Page 138</p> <p>1 A. No, not that I recall.</p> <p>2 MR. BAKER: Before we move on</p> <p>3 into the next topic, which is going to take me</p> <p>4 a while, would this be a good lunch break time</p> <p>5 for everybody?</p> <p>6 MR. BUSH: It's fine with me,</p> <p>7 although I guess we haven't ordered.</p> <p>8 (Pause in proceedings.)</p> <p>9 THE VIDEOGRAPHER: The time is</p> <p>10 11:48 a.m. and we're off the record.</p> <p>11</p> <p>12 (Recess taken from 11:48 a.m.</p> <p>13 to 12:40 p.m.)</p> <p>14</p> <p>15 THE VIDEOGRAPHER: The time is</p> <p>16 12:40 p.m. We're on the record.</p> <p>17 MR. GOETZ: Hi, Ms. Propatier.</p> <p>18 My name is Dan Goetz and I'm going to ask you</p> <p>19 questions for a few minutes.</p> <p>20 BY MR. GOETZ:</p> <p>21 Q. Could you go back to Exhibit 204,</p> <p>22 please? I believe you had testified earlier</p> <p>23 that from 2008 through 2014 you had the same</p> <p>24 job title and responsibilities at CVS; is that</p>	<p style="text-align: right;">Page 140</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And so you were responsible for</p> <p>3 assuring compliance with applicable CSA</p> <p>4 requirements; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Yes?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Could you read the 13A above</p> <p>9 it, where it says, "DC DEA Compliance</p> <p>10 Coordinator"?</p> <p>11 A. "It means the individual designated as</p> <p>12 responsible for assuring compliance with</p> <p>13 applicable CSA requirements at each CVS</p> <p>14 distribution center. This person will have</p> <p>15 the responsible to implement the required</p> <p>16 systems and procedures for controlled</p> <p>17 substances in coordination with the CVS DEA</p> <p>18 Compliance Coordinator, the senior manager of</p> <p>19 logistics, and the director of logistics loss</p> <p>20 prevention."</p> <p>21 Q. So part of what the -- DC is</p> <p>22 distribution center. Part of what the</p> <p>23 distribution center DEA Compliance</p> <p>24 Coordinator -- part of their job, they worked</p>
<p style="text-align: right;">Page 139</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. In Exhibit 204, could you look at</p> <p>4 8510, please?</p> <p>5 MR. BUSH: page 85?</p> <p>6 BY MR. GOETZ:</p> <p>7 Q. page 8510, please.</p> <p>8 And do you see where it says "CVS DEA</p> <p>9 Compliance Coordinator"?</p> <p>10 A. Uh-huh.</p> <p>11 Q. Could you read that please out loud?</p> <p>12 A. "CVS DEA Compliance Coordinator</p> <p>13 reports to the senior manager of logistics</p> <p>14 planning and is designated as responsible for</p> <p>15 assuring compliance with applicable CSA</p> <p>16 requirements implemented by each CVS</p> <p>17 distribution center. This person will have</p> <p>18 responsibility to monitor the required systems</p> <p>19 and procedures implemented by each DC for</p> <p>20 controlled substance in coordination with</p> <p>21 senior manager of logistics planning and</p> <p>22 director of logistics loss prevention."</p> <p>23 Q. From 2008 to 2014, that was you,</p> <p>24 correct?</p>	<p style="text-align: right;">Page 141</p> <p>1 in coordination with you, right, to implement</p> <p>2 all the regulations related to the CSA?</p> <p>3 A. I didn't say -- some, that I can</p> <p>4 recall, yes.</p> <p>5 Q. Okay. They had the responsibility and</p> <p>6 you, as the CVS DEA Compliance Coordinator,</p> <p>7 had the responsibility, correct?</p> <p>8 MR. BUSH: Objection.</p> <p>9 A. Certain -- certain responsibilities.</p> <p>10 BY MR. GOETZ:</p> <p>11 Q. Well, the applicable CSA requirements</p> <p>12 that were implemented by each CVS distribution</p> <p>13 center, correct?</p> <p>14 A. Yes. Certain ones, yes.</p> <p>15 Q. You kept saying, "I'm only responsible</p> <p>16 for the SOP."</p> <p>17 A. Uh-huh.</p> <p>18 Q. Do you remember that testimony?</p> <p>19 A. Yes.</p> <p>20 Q. The SOP is actually -- that's Exhibit</p> <p>21 204. And the title of that is actually</p> <p>22 Controlled Drug DEA Standard Operating</p> <p>23 Procedures Manual, correct?</p> <p>24 A. Correct.</p>

Page 142

1 Q. And this document is actually all the
 2 rules and regulations that CVS has passed to
 3 try to meet their requirements under the CSA
 4 and what the DEA requires as it relates to the
 5 distribution of controlled substances,
 6 correct?
 7 A. Can you say that again?
 8 Q. Okay. This document, 204 --
 9 A. Uh-huh.
 10 Q. -- is actually the standard operating
 11 procedures and it is the rules and regulations
 12 that CVS has passed to try to meet the
 13 requirement of the DEA in the Controlled
 14 Substances Act as it relates to distribution
 15 of controlled substances, correct?
 16 A. I can't say for certain that it's
 17 everything, but it covers certain areas.
 18 Q. Well, as the DEA Compliance
 19 Coordinator, what other document covers
 20 anything from -- from 2008 -- or 12/1 of '07,
 21 when this is implemented, until 2013, the end
 22 of 2013, what -- what else covers it? What
 23 else governs it?
 24 A. I don't know if I know everything that

Page 143

1 governs it.
 2 Q. As the DEA Compliance Coordinator, you
 3 can't say this isn't all the rules, can you?
 4 MR. BUSH: Objection.
 5 A. I can't. No, I can't say if it's all
 6 or not.
 7 BY MR. GOETZ:
 8 Q. I'm going to hand you what's been
 9 marked as Exhibit 203. And that begins at
 10 Bates number 66576?
 11 A. Uh-huh.
 12 MR. BUSH: Do I get one of
 13 those?
 14 THE WITNESS: Is one of these
 15 for him?
 16 MR. BAKER: Yes.
 17 MR. GOETZ: Yes, I have three of
 18 them. I handed you three of them. I
 19 apologize for handing you everything at once.
 20 BY MR. GOETZ:
 21 Q. Can you read the cover of that, what
 22 that says?
 23 A. "CVS Distribution Center Controlled
 24 Drug DEA Standard Operating Procedures

Page 144

1 Manual."
 2 Q. And it's the SOPs, right, that we were
 3 talking about earlier?
 4 A. SOPs, yes.
 5 Q. Do you know when this version was
 6 implemented?
 7 A. I do not know.
 8 Q. I will represent to you that it's my
 9 understanding this is the December 1, 2007
 10 SOP.
 11 A. Okay.
 12 Q. And so it's my belief that this is
 13 actually the first standard operating
 14 procedure that existed relative to this, okay?
 15 A. Uh-huh, okay.
 16 Q. Are you aware -- are you aware of any
 17 standard operating procedures related to the
 18 distribution of controlled substances prior to
 19 December 1 of 2007?
 20 A. I can't say I recall.
 21 Q. Can we agree, in your role as CVS DEA
 22 Compliance Coordinator, that an essential
 23 element of any compliance system is the
 24 ability to audit that system?

Page 145

1 A. Can I agree -- was that my role, for
 2 my role?
 3 Q. No. Do you agree with that, that an
 4 essential role -- an essential element of any
 5 compliance system is the ability to audit that
 6 system?
 7 A. For compliance system? I guess it
 8 would be.
 9 Q. If you can't audit the system, we have
 10 no idea if it's working or not working?
 11 A. Uh-huh.
 12 Q. Do you agree with that?
 13 A. I would --
 14 MR. BUSH: Objection.
 15 A. I would agree.
 16 BY MR. GOETZ:
 17 Q. And would you agree that you have to
 18 be able to audit the system, meaning audit the
 19 processes and the output? Would you agree
 20 with that?
 21 MR. BUSH: Objection.
 22 A. I guess for a system I would agree.
 23 BY MR. GOETZ:
 24 Q. And part of this controlled drug

Page 146

1 operating, SOP -- a large part of this related
 2 to audits; is that correct?
 3 MR. BUSH: Take your time if you
 4 need to look through it.
 5 THE WITNESS: I am.
 6 (Witness reviews document.)
 7 BY MR. GOETZ:
 8 Q. And you can look through the whole
 9 document. I'm totally fine with that. I'll
 10 withdraw my question. But if you'd like the
 11 to look through the whole document, it's fine,
 12 but I would direct your attention to 66632 and
 13 I'll ask you what that is. But if you want to
 14 peruse the whole document while you're doing
 15 it, that's fine.
 16 A. (Witness reviews document.)
 17 Q. Do you know what that is?
 18 MR. BUSH: Referring to 66632?
 19 MR. GOETZ: Yes, and --
 20 MR. BUSH: And subsequent pages?
 21 MR. GOETZ: Yes.
 22 A. It says it's an inspection report,
 23 DEA.
 24 BY MR. GOETZ:

Page 147

1 Q. Do you know what that is?
 2 A. Do I know what it is? I believe it's
 3 a form loss prevention used.
 4 Q. Do you have any -- as the CVS DEA
 5 Compliance Coordinator, do you have any
 6 knowledge beyond that?
 7 A. No.
 8 Q. There was, at one time, when you were
 9 responsible for gathering these. Do you
 10 remember that?
 11 A. For gathering the reports?
 12 Q. Yes.
 13 A. For the SOP?
 14 Q. Yes.
 15 A. I was responsible for -- yes, for
 16 updating the SOP.
 17 Q. Do you remember that you were actually
 18 responsible for gathering the results of this
 19 inspection report?
 20 A. Not that I recall.
 21 Q. Can you turn to 6606 of that document,
 22 please?
 23 MR. BUSH: 6606.
 24 BY MR. GOETZ:

Page 148

1 Q. Do you see that?
 2 A. Okay.
 3 Q. There has been testimony -- strike
 4 that.
 5 Did you read Mr. Vernanza's (phonetic)
 6 testimony?
 7 A. No, I did not.
 8 Q. I want you to assume what I tell you
 9 is true, and I want you to assume that until
 10 August of 2010 there was no SOM, suspicious
 11 order monitoring, section in the SOP, okay, in
 12 the standard operating procedures.
 13 A. Okay.
 14 Q. Okay?
 15 A. Okay.
 16 Q. Are you aware of that? I was unsure
 17 this morning what you testified.
 18 A. I had -- I know there was a
 19 placeholder while they were working on the
 20 documents.
 21 Q. And that placeholder was a placeholder
 22 until when?
 23 A. Until I was provided with the
 24 documents to update it.

Page 149

1 Q. And that was in August of 2010; is
 2 that correct?
 3 A. I believe that was the date.
 4 Q. And so from 12/1 of '07, we can agree,
 5 until August of 2010, there was no SOM,
 6 suspicious order monitoring, section in the
 7 standard operating procedures, correct?
 8 A. There was a placeholder in the SOP.
 9 Q. Were there any active policies in the
 10 SOP --
 11 MR. BUSH: For SOM?
 12 BY MR. GOETZ:
 13 Q. -- for SOM?
 14 A. Not that I recall.
 15 Q. There was nothing that somebody could
 16 go to and say, here is our suspicious order
 17 monitoring process, if they went and read the
 18 standard operating procedure, correct?
 19 A. Maybe outside of that manual, but not
 20 within that manual.
 21 Q. Okay. And again, what was outside of
 22 that manual prior to August of 2010? Can you
 23 direct me to anything as the CVS DEA
 24 Compliance Coordinator?

<p style="text-align: right;">Page 150</p> <p>1 A. No. I wasn't responsible for SOM.</p> <p>2 Q. You were responsible for CVS DEA</p> <p>3 compliance, correct?</p> <p>4 A. Certain aspects of it.</p> <p>5 Q. When we went to 203 and 204, that</p> <p>6 doesn't distinguish -- I'm talking about</p> <p>7 Exhibit 203 and 204 -- that doesn't</p> <p>8 distinguish your role as only being</p> <p>9 responsible as the CVS DEA Compliance</p> <p>10 Coordinator for things other than SOM, does</p> <p>11 it?</p> <p>12 A. I'm sorry, like --</p> <p>13 MR. BUSH: Objection.</p> <p>14 A. Can you repeat that? I don't know</p> <p>15 what you're talk --</p> <p>16 Q. You just said you were not responsible</p> <p>17 for the SOM.</p> <p>18 A. For managing the SOM program, no.</p> <p>19 Q. Okay. So tell me, from 2008 through</p> <p>20 2014, who was the CVS DEA Compliance</p> <p>21 Coordinator for SOM?</p> <p>22 A. For SOM specifically?</p> <p>23 Q. Yes.</p> <p>24 A. I -- I don't know if there was a</p>	<p style="text-align: right;">Page 152</p> <p>1 also include a comparison of CVS's SOPs to the</p> <p>2 operations of the DC," correct?</p> <p>3 A. Correct.</p> <p>4 Q. Is that correct? Did I read that</p> <p>5 correctly?</p> <p>6 A. Yes, you did.</p> <p>7 Q. So what they're speaking about is they</p> <p>8 compare how the distribution center operates</p> <p>9 to the requirements of this SOP; is that</p> <p>10 correct?</p> <p>11 A. I would assume that's what they're</p> <p>12 referring to.</p> <p>13 Q. And so since we did not have any</p> <p>14 written SOM as part of this SOP, would you</p> <p>15 agree with me that we could not do this in</p> <p>16 2008?</p> <p>17 A. I can't answer that.</p> <p>18 Q. Do you know of some SOM that they</p> <p>19 could do a comparison to the CVS operations of</p> <p>20 the DC?</p> <p>21 A. I don't recall. I can't answer that.</p> <p>22 Q. They couldn't do it in 2009 either,</p> <p>23 could they?</p> <p>24 A. I can't answer that.</p>
<p style="text-align: right;">Page 151</p> <p>1 specific coordinator for SOM.</p> <p>2 Q. It's nowhere in the document, is it?</p> <p>3 A. I don't recall.</p> <p>4 Q. Okay. And these --</p> <p>5 A. I would need to look through it.</p> <p>6 Q. These are documents that you give to</p> <p>7 the DEA. Are you aware of that?</p> <p>8 A. I've never given them to the DEA, but</p> <p>9 I can't say if they haven't been given to the</p> <p>10 DEA.</p> <p>11 Q. Are you aware if they've been given to</p> <p>12 the DEA?</p> <p>13 A. Not specifically aware of someone</p> <p>14 giving them to the DEA.</p> <p>15 Q. Can you go to page 6606 of 203,</p> <p>16 please? And do you see where it says,</p> <p>17 "Procedure"?</p> <p>18 A. Uh-huh, yes.</p> <p>19 Q. And it says -- tell me if I'm reading</p> <p>20 this correct in the first paragraph -- "Loss</p> <p>21 prevention will conduct compliance reviews."</p> <p>22 A. Yes.</p> <p>23 Q. And then the last sentence of that</p> <p>24 paragraph says, "The compliance review will</p>	<p style="text-align: right;">Page 153</p> <p>1 Q. And they couldn't do it until at least</p> <p>2 through August of 2010, could they?</p> <p>3 A. I can't answer that. I don't know</p> <p>4 what they were capable of.</p> <p>5 Q. And we know they couldn't do it in</p> <p>6 2006 or 2007 because there was no written</p> <p>7 procedure, correct?</p> <p>8 A. I don't know that to be true.</p> <p>9 Q. Well, when you say that, what -- as</p> <p>10 the compliance coordinator -- we're here</p> <p>11 trying to find out information -- what do you</p> <p>12 think there was?</p> <p>13 A. I can't answer that. I don't know.</p> <p>14 Q. If we go back to the DC DEA Compliance</p> <p>15 Coordinator and the CVS DEA Compliance</p> <p>16 Coordinator, were you the person responsible</p> <p>17 for assuring compliance with applicable CVS</p> <p>18 requirements --</p> <p>19 MR. BUSH: CSA.</p> <p>20 MR. GOETZ: CSA requirements.</p> <p>21 Thank you.</p> <p>22 BY MR. GOETZ:</p> <p>23 Q. -- implemented by each CVS</p> <p>24 distribution center, correct?</p>

Page 154

1 A. Uh-huh.
2 Q. Is that correct?
3 A. That's what it says.
4 Q. Is that correct? Was that your role?
5 A. I was responsible for being a liaison
6 for the distribution centers.
7 Q. That's not what I asked.
8 Were you responsible for assuring
9 compliance with applicable CSA requirements
10 implemented by each CVS distribution center?
11 MR. BUSH: Objection. Asked and
12 answered.
13 A. I was responsible for working -- being
14 a liaison with the distribution centers for
15 their compliance that they implemented
16 themselves at the distribution center.
17 Q. This is -- and I'm not trying to
18 become hypertechnical. It's really a yes or a
19 no.
20 Were you responsible for assuring
21 compliance with the applicable CSA
22 requirements implemented by each CVS
23 distribution center?
24 MR. BUSH: I object to that.

Page 155

1 The question has now been answered twice.
2 A. Yes.
3 BY MR. GOETZ:
4 Q. Did you say yes?
5 MR. BUSH: No. You can answer
6 now. I just objected.
7 A. No. I said I was responsible, yes,
8 for being a liaison with the distribution
9 centers for compliance that they had
10 implemented there on-site.
11 BY MR. GOETZ:
12 Q. Is that a yes?
13 MR. BUSH: Objection.
14 BY MR. GOETZ:
15 Q. I'm just trying to find out, yes or
16 no, if that was your role as was told to the
17 DEA.
18 A. My role --
19 MR. BUSH: Objection.
20 A. -- was a logistics pharmacy services
21 manager. The CVS DEA Compliance Coordinator
22 refers to a title that was given as a
23 reference point in the SOP.
24 BY MR. GOETZ:

Page 156

1 Q. Ma'am, you used to send e-mails,
2 right, with the tagline --
3 A. Right.
4 Q. -- CVS DEA Compliance Coordinator?
5 A. Right.
6 Q. Correct?
7 A. It was an identifying point of
8 contact, yes.
9 Q. And so --
10 A. For --
11 MR. BUSH: Wait a second.
12 THE WITNESS: Sorry.
13 MR. BUSH: Wait. Don't talk
14 over each other.
15 MR. GOETZ: I apologize, I'm
16 very sorry.
17 A. No. It was identifying point of
18 contact for standard -- a standard contact in
19 an SOP. People and titles change. They
20 implemented that point of contact in case I
21 was to leave and somebody else went into the
22 position with a different -- they have a
23 different name. They also could have had a
24 different title. It was a standard point of

Page 157

1 contact that that referred to. My actual job
2 title was Logistics Rx Services Manager.
3 BY MR. GOETZ:
4 Q. Did you put on your e-mails, as a
5 tagline, Corporate CVS DEA Compliance
6 Coordinator?
7 A. Yes.
8 Q. Okay. And when you say this was put
9 in here as a point of contact, if I am at a
10 distribution center and I go, I would like to
11 know who is responsible for assuring
12 compliance with applicable CSA requirements
13 implemented by each CVS distribution center, I
14 would find you as that person, correct?
15 A. You may, yes.
16 Q. Who else would I find?
17 A. There were -- there could be other
18 people that were also involved in compliance.
19 I can't recall off the top of my head, but,
20 yes, you could reach out to me.
21 Q. Were there other people from 2008 to
22 2014 that were ever identified as holding that
23 title?
24 A. Not that I recall.

<p style="text-align: right;">Page 158</p> <p>1 Q. It was only you that actually CVS 2 identified as holding that title?</p> <p>3 A. I guess. The SOP, not CVS. Like as 4 far as my job -- my job at CVS, my personnel 5 identified me as a logistics services. The 6 SOP identifies me as the compliance 7 coordinator.</p> <p>8 Q. You understand that the SOP is CVS 9 document --</p> <p>10 A. Yes.</p> <p>11 Q. -- a CVS document?</p> <p>12 A. Yes.</p> <p>13 Q. And you understand that that SOP was 14 implemented, adopted by CVS?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Could you go to 6608, please?</p> <p>17 Do you see where it says, "Report"?</p> <p>18 And it says, "After the review is complete, a 19 detailed mock DEA audit will be prepared and 20 furnished to the pharmacy manager" --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- "DC, DEA Compliance Director and DC 23 Director"?</p> <p>24 A. Uh-huh.</p>	<p style="text-align: right;">Page 160</p> <p>1 A. Yes you read it correctly.</p> <p>2 BY MR. GOETZ:</p> <p>3 Q. And assuming that there was no SOM in 4 the SOP until August of 2010, that would not 5 have been possible, would it have been? In 6 2007, 2008, 2009 and through August of 2010, 7 you could not do a comparison of the SOM to 8 figure out if they were in compliance with SOP 9 requirements?</p> <p>10 A. I can't answer that. I didn't conduct 11 the audits.</p> <p>12 Q. You -- you received the audits at 13 times?</p> <p>14 MR. BUSH: Objection.</p> <p>15 A. No, not that I recall.</p> <p>16 BY MR. GOETZ:</p> <p>17 Q. Did you ever review the audits?</p> <p>18 A. Not that I recall.</p> <p>19 Q. As the CVS DEA Compliance Coordinator, 20 you never felt it necessary to review the 21 audits?</p> <p>22 A. Not that I recall.</p> <p>23 Q. Could you turn to 6619, please? And 24 if you -- you go back to 6616, this section of</p>
<p style="text-align: right;">Page 159</p> <p>1 Q. Did you ever receive that report as 2 the CVS Compliance Director?</p> <p>3 A. Not that I recall.</p> <p>4 Q. So it was never important enough to 5 give to the top person?</p> <p>6 A. I was not the top person. I would not 7 refer to myself as the top person.</p> <p>8 Q. Okay. It was never important enough 9 to give to the CVS director of compliance?</p> <p>10 A. I was not the director of compliance.</p> <p>11 Q. I'll get it exactly right, I 12 apologize.</p> <p>13 CVS DEA Compliance Coordinator.</p> <p>14 Again, this report on Paragraph 3 15 indicates that "There will be a comparison of 16 the operations of the CVS's SOPs and identify 17 those areas that are not in compliance with 18 the SOP requirements."</p> <p>19 Did I read that correctly?</p> <p>20 A. Which part are you reading, I'm sorry?</p> <p>21 Q. Paragraph 3.</p> <p>22 MR. BUSH: It's on 08.</p> <p>23 THE WITNESS: Oh, this one.</p> <p>24 Okay, sorry.</p>	<p style="text-align: right;">Page 161</p> <p>1 the SOP deals with a DEA investigation, 2 correct?</p> <p>3 A. Yes, correct.</p> <p>4 Q. Is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. And this section deals with what the 7 DEA will do, what it's going to want to see, 8 what it might find, those sorts of things, 9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. Can you go to the Paragraph 13? And 12 the bottom of Paragraph 13, the last sentence, 13 it says, "The diversion investigators will 14 also review the DC's registration and 15 suspicious order monitoring systems and 16 programs to ensure compliance with the 17 regulations."</p> <p>18 Do you see that?</p> <p>19 A. I see that.</p> <p>20 Q. Prior to August of 2010, what would be 21 provided to the DEA?</p> <p>22 A. I can't answer that. I didn't -- I 23 wasn't there.</p> <p>24 Q. Is it your testimony that you didn't</p>

Page 162	Page 164
<p>1 know what would be told to the DEA during an</p> <p>2 audit when there weren't any SOM programs in</p> <p>3 the SOP?</p> <p>4 A. I don't recall that I would know.</p> <p>5 Q. Do you know what SOM program was in</p> <p>6 the SOP before August of 2010?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you know anything about the</p> <p>9 suspicious order monitoring program, written</p> <p>10 or unwritten, before August of 2010?</p> <p>11 A. I don't recall.</p> <p>12 Q. Do you know, as you sit here today?</p> <p>13 MR. BUSH: Know what?</p> <p>14 A. No what?</p> <p>15 BY MR. GOETZ:</p> <p>16 Q. Anything about any SOM program,</p> <p>17 written or unwritten, before August of 2010.</p> <p>18 A. As far as?</p> <p>19 Q. Anything related to suspicious order</p> <p>20 monitoring.</p> <p>21 A. I know there's a suspicious order</p> <p>22 monitoring program, but I can't speak to</p> <p>23 the -- how the system works.</p> <p>24 Q. Pre-August of 2010, what was the</p>	<p>1 (Exhibit No. 205 previously marked</p> <p>2 for identification.)</p> <p>3</p> <p>4 MR. BAKER: Can I get a copy.</p> <p>5 BY MR. GOETZ:</p> <p>6 Q. Exhibit 205 is a document Bates</p> <p>7 numbered 66574. Do you see the second e-mail,</p> <p>8 the e-mail on the bottom?</p> <p>9 A. Yes.</p> <p>10 Q. And could you read that, please, the</p> <p>11 first paragraph?</p> <p>12 A. "Attached is the DEA SOP, which was</p> <p>13 implemented in December 2007. We have made</p> <p>14 recent updates to the SOP. Please note we</p> <p>15 have updated the record retention period from</p> <p>16 five years to two years. Also, the SOM</p> <p>17 section is not included. In the event of an</p> <p>18 audit and questions come up, please direct</p> <p>19 them to corporate (Frank or myself) for an</p> <p>20 explanation of the program. Please review</p> <p>21 with your teams and forward to anyone I may</p> <p>22 have missed."</p> <p>23 Q. And this is April 3 of 2009, correct?</p> <p>24 A. Yes, that's what it says.</p>
Page 163	Page 165
<p>1 suspicious order monitoring program?</p> <p>2 A. I can't speak to how it worked.</p> <p>3 Q. How do you know then that one existed?</p> <p>4 A. I've heard them speak of it.</p> <p>5 Q. Who?</p> <p>6 A. Frank Devlin.</p> <p>7 Q. What did he say?</p> <p>8 A. I don't recall specifically. But I</p> <p>9 know I recall hearing about a suspicious order</p> <p>10 monitoring program, but I don't recall</p> <p>11 specifically.</p> <p>12 Q. Did you hear about that maybe there</p> <p>13 wasn't one?</p> <p>14 A. I don't recall that.</p> <p>15 Q. Is that -- could that have been what</p> <p>16 you heard?</p> <p>17 A. I don't recall that.</p> <p>18 MR. BUSH: Hold on, guys. Both</p> <p>19 of you need to wait for the other one to stop,</p> <p>20 so we don't speak over each other.</p> <p>21 BY MR. GOETZ:</p> <p>22 Q. You can keep those in front of you,</p> <p>23 but I'm going to show you Exhibit 205.</p> <p>24</p>	<p>1 Q. *And so this e-mail is to what I would</p> <p>2 consider a lot of people, but the document</p> <p>3 will speak for itself.</p> <p>4 But you were telling all these people,</p> <p>5 hey, if the DEA wants to know about what our</p> <p>6 SOM program is, have them contact me or Frank</p> <p>7 and we will give them an explanation, correct?</p> <p>8 A. This section, if a question comes up</p> <p>9 it directed them to contact us.</p> <p>10 Q. Was that a yes?</p> <p>11 MR. BUSH: Objection.</p> <p>12 A. I'm sorry, what was the question?</p> <p>13 MR. GOETZ: Can you read it</p> <p>14 back?</p> <p>15 *(Question read.)</p> <p>16 A. No.</p> <p>17 BY MR. GOETZ:</p> <p>18 Q. No?</p> <p>19 A. No.</p> <p>20 MR. BUSH: I'm sorry, what was</p> <p>21 the answer?</p> <p>22 THE WITNESS: I said no.</p> <p>23 MR. BUSH: No, okay.</p> <p>24 THE WITNESS: It's -- his</p>

<p style="text-align: right;">Page 166</p> <p>1 question said program.</p> <p>2 MR. BUSH: Right.</p> <p>3 BY MR. GOETZ:</p> <p>4 Q. I'll read it to you. "Also, the SOM</p> <p>5 section is still not included in the SOP. In</p> <p>6 the event of an audit and questions come up,</p> <p>7 please direct them to corporate (Frank or</p> <p>8 myself) for the explanation of the program."</p> <p>9 Did I read that correctly?</p> <p>10 A. Yes.</p> <p>11 Q. In the event of a DEA audit --</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- what were you going to tell them in</p> <p>14 April of 2009?</p> <p>15 A. I don't recall.</p> <p>16 Q. You have no idea?</p> <p>17 A. I do not remember.</p> <p>18 Q. You can't remember anything? It</p> <p>19 was -- you or Frank were the only ones that</p> <p>20 could give the explanation of the program and</p> <p>21 you don't remember anything?</p> <p>22 MR. BUSH: Objection.</p> <p>23 A. I do not remember.</p> <p>24 BY MR. GOETZ:</p>	<p style="text-align: right;">Page 168</p> <p>1 A. Not that I recall, no.</p> <p>2 Q. You never searched to see, hey, what</p> <p>3 was I going to tell the DEA in April of '09</p> <p>4 whether you had a document that might have</p> <p>5 spoken to that?</p> <p>6 A. No.</p> <p>7 Q. Do you know if Frank would be able to</p> <p>8 tell us what was going to be told to the DEA?</p> <p>9 A. I don't know. I can't speak for</p> <p>10 Frank.</p> <p>11 (Exhibit No. 203 previously marked</p> <p>12 for identification.)</p> <p>13</p> <p>14 BY MR. GOETZ:</p> <p>15 Q. And just so the record's clear -- we</p> <p>16 talked about it earlier, but this has a</p> <p>17 tagline, right, as Logistics Rx Services</p> <p>18 Manager Corporate CVS DEA Compliance</p> <p>19 Coordinator, right?</p> <p>20 A. Yes.</p> <p>21 Q. Would you agree with me if we go back</p> <p>22 to -- I apologize -- Exhibit 203 and --</p> <p>23 A. What page?</p> <p>24 Q. 6619.</p>
<p style="text-align: right;">Page 167</p> <p>1 Q. Did you have notes of the program in</p> <p>2 2009 so you could tell the DEA?</p> <p>3 MR. BUSH: Objection.</p> <p>4 A. Not that I recall.</p> <p>5 BY MR. GOETZ:</p> <p>6 Q. Okay. There was no written policy --</p> <p>7 written SOM policy as of April of 2009, was</p> <p>8 there?</p> <p>9 A. I do not know.</p> <p>10 Q. Assuming there was no written policy,</p> <p>11 where were you going to get the information to</p> <p>12 tell the DEA what was happening?</p> <p>13 MR. BUSH: Objection.</p> <p>14 A. I do not recall.</p> <p>15 BY MR. GOETZ:</p> <p>16 Q. Do you, in your office, keep notes of</p> <p>17 important things?</p> <p>18 A. I may for certain things.</p> <p>19 Q. Do you keep handwritten notes or do</p> <p>20 you keep notes on a computer?</p> <p>21 A. I could have both.</p> <p>22 Q. Did you ever search for any documents</p> <p>23 related to this litigation through your</p> <p>24 office?</p>	<p style="text-align: right;">Page 169</p> <p>1 Exhibit 203. And it's Bates number</p> <p>2 6619 and we go back to Paragraph 13. And it</p> <p>3 says, "The diversion investigator will also</p> <p>4 review the DC's registration and suspicious</p> <p>5 order monitoring systems and programs to</p> <p>6 ensure compliance with the regulations," that</p> <p>7 that implies that there are written SOM</p> <p>8 programs?</p> <p>9 MR. BUSH: Objection.</p> <p>10 A. What was the question?</p> <p>11 BY MR. GOETZ:</p> <p>12 Q. If you read that last sentence --</p> <p>13 A. Yes.</p> <p>14 Q. -- of Paragraph 13 --</p> <p>15 A. (Witness reviews document.)</p> <p>16 Okay.</p> <p>17 Q. -- would you agree with me that that</p> <p>18 implies that there are written SOM policies?</p> <p>19 MR. BUSH: Objection.</p> <p>20 A. No, I wouldn't agree.</p> <p>21 BY MR. GOETZ:</p> <p>22 Q. Okay. How would the DEA review the</p> <p>23 suspicious order monitoring systems and</p> <p>24 programs otherwise?</p>

<p style="text-align: right;">Page 170</p> <p>1 A. I don't know. I can't speak for how</p> <p>2 the DEA reviews during an audit.</p> <p>3 Q. Did you know that in April of 2009?</p> <p>4 MR. BUSH: Know what?</p> <p>5 MR. GOETZ: How the DEA -- what</p> <p>6 their expectations with were of an audit in</p> <p>7 April of 2009.</p> <p>8 A. I can't say that I recall or know.</p> <p>9 BY MR. GOETZ:</p> <p>10 Q. Did you know what they would be</p> <p>11 looking for in April of 2009?</p> <p>12 A. I can't say I recall.</p> <p>13 Q. Could you turn to 6614, please, of</p> <p>14 this document just so we're clear?</p> <p>15 And Section D, which says, "suspicious</p> <p>16 order monitoring SOM," that is the section --</p> <p>17 this language is the section that is just a</p> <p>18 placeholder; is that correct?</p> <p>19 A. From -- yeah. From what I believe,</p> <p>20 yes.</p> <p>21 Q. And Paragraph B of that section, where</p> <p>22 it says, "These parameters are documented in</p> <p>23 SOP - 'order quantity parameters for</p> <p>24 controlled drugs' - being developed and</p>	<p style="text-align: right;">Page 172</p> <p>1 A. No, I did not. I did not work with</p> <p>2 the system.</p> <p>3 Q. Would you agree with me that the DEA</p> <p>4 requirements are not hard to meet?</p> <p>5 MR. BUSH: Objection.</p> <p>6 A. Would I agree? No, I wouldn't agree.</p> <p>7 BY MR. GOETZ:</p> <p>8 Q. You wouldn't? Do you think that the</p> <p>9 DEA requirements are burdensome?</p> <p>10 A. I think it would depend on what</p> <p>11 capacity we're talking. There's lots of DEA</p> <p>12 requirements.</p> <p>13 Q. The DEA requirements, as they relate</p> <p>14 to controlled drug substances and the</p> <p>15 distribution of those, do you think they are</p> <p>16 difficult to meet?</p> <p>17 A. I don't know if I can say if they're</p> <p>18 difficult to meet.</p> <p>19 Q. You --</p> <p>20 A. I don't know all of them.</p> <p>21 Q. As the CVS DEA Compliance Coordinator,</p> <p>22 the ones that you know of, do you believe they</p> <p>23 are difficult the meet?</p> <p>24 A. The ones that I know of? I don't -- I</p>
<p style="text-align: right;">Page 171</p> <p>1 written."</p> <p>2 Did I read that correctly?</p> <p>3 A. Yes.</p> <p>4 Q. So we know that, at this point at</p> <p>5 least, any order quantity parameter was</p> <p>6 unknown, correct?</p> <p>7 A. I can't agree with that.</p> <p>8 Q. Okay. Well, how would you know it?</p> <p>9 A. I don't have enough information, like,</p> <p>10 to agree with it.</p> <p>11 Q. What information would you need?</p> <p>12 A. I didn't own the program, so I can't</p> <p>13 speak to it.</p> <p>14 Q. As the CVS DEA Compliance Coordinator,</p> <p>15 what information would you need to know</p> <p>16 whether or not the order quantity parameters</p> <p>17 for controlled drugs were finished?</p> <p>18 MR. BUSH: I'm sorry, was</p> <p>19 finished?</p> <p>20 A. Finished?</p> <p>21 BY MR. GOETZ:</p> <p>22 Q. Yes, were established.</p> <p>23 A. I would need to know the system.</p> <p>24 Q. Did you know the system?</p>	<p style="text-align: right;">Page 173</p> <p>1 don't myself feel they're -- they -- they're</p> <p>2 difficult to meet.</p> <p>3 Q. Okay. As the CVS DEA Compliance</p> <p>4 Coordinator, do you believe that the</p> <p>5 requirements, as it relates to controlled</p> <p>6 substances distribution, are difficult to</p> <p>7 meet?</p> <p>8 A. Speaking for CVS?</p> <p>9 Q. Yes.</p> <p>10 A. I mean, in my opinion, I would say no,</p> <p>11 they're not difficult to meet.</p> <p>12 Q. They're relatively easy, correct?</p> <p>13 A. I -- I don't know if I would use the</p> <p>14 word "easy," but they're requirements.</p> <p>15 Q. You think they're lax?</p> <p>16 A. I don't feel they're lax.</p> <p>17 Q. Do you agree that the DEA's goals are</p> <p>18 to prevent diversion of controlled substances</p> <p>19 and to ensure an adequate supply?</p> <p>20 A. Yes, I would agree.</p> <p>21 Q. And that's it, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And so everything that we relate to</p> <p>24 this document, the DEA Standard Operating</p>

<p style="text-align: right;">Page 174</p> <p>1 Procedures Manual, is about controlling</p> <p>2 diversion and an adequate supply, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And that is what your job was, right,</p> <p>5 to manage that, to be the DEA Compliance</p> <p>6 Coordinator for that?</p> <p>7 MR. BUSH: Objection.</p> <p>8 A. No. I would not say that was my job.</p> <p>9 My job was to be a central contact and keep a</p> <p>10 consolidated point of contact for all our</p> <p>11 distribution centers to get information to</p> <p>12 support them.</p> <p>13 BY MR. GOETZ:</p> <p>14 Q. Did you ever tell anybody at CVS, hey,</p> <p>15 I don't think this being a DC or a DEA</p> <p>16 Compliance Coordinator is actually my job?</p> <p>17 A. Not that I recall.</p> <p>18 Q. Okay. And did you ever tell anybody</p> <p>19 at CVS, hey, I don't think I'm responsible for</p> <p>20 assuring compliance with applicable CSA</p> <p>21 requirements implemented by each CVS</p> <p>22 distribution center?</p> <p>23 A. Not that I recall.</p> <p>24 Q. CVS believes you were doing that,</p>	<p style="text-align: right;">Page 176</p> <p>1 MR. BUSH: I have 666 --</p> <p>2 MR. GOETZ: You have no 66623?</p> <p>3 (Pause in proceedings.)</p> <p>4 MR. BUSH: I have 66623, but it</p> <p>5 seems to follow 66624. Let's see.</p> <p>6 THE WITNESS: Yes, me too.</p> <p>7 MR. BUSH: They're out of order.</p> <p>8 I don't know why.</p> <p>9 THE WITNESS: So we're going to</p> <p>10 23?</p> <p>11 MR. BUSH: Ask him. He's in</p> <p>12 charge.</p> <p>13 MR. GOETZ: Yes, please.</p> <p>14 MR. BUSH: Do you see what's</p> <p>15 going on? 6624, and then 6623 comes after it.</p> <p>16 Unclear why that happened, but there it is.</p> <p>17 MR. GOETZ: My children might</p> <p>18 have numbered this.</p> <p>19 BY MR. GOETZ:</p> <p>20 Q. The first paragraph up top --</p> <p>21 MR. BUSH: So which one?</p> <p>22 MR. GOETZ: 6623.</p> <p>23 MR. BUSH: 23, okay, got it.</p> <p>24 BY MR. GOETZ:</p>
<p style="text-align: right;">Page 175</p> <p>1 correct?</p> <p>2 MR. BUSH: Objection.</p> <p>3 A. I don't know what CVS was -- I can't</p> <p>4 speak for what CVS believed.</p> <p>5 BY MR. GOETZ:</p> <p>6 Q. Did you ever get reprimanded for not</p> <p>7 doing it?</p> <p>8 A. Not that I recall.</p> <p>9 Q. And they gave you that title in these</p> <p>10 documents, correct, CVS DEA Compliance</p> <p>11 Coordinator?</p> <p>12 A. They as in who?</p> <p>13 Q. CVS.</p> <p>14 A. CVS -- I don't -- I don't know if --</p> <p>15 how to answer that. My boss, yes, I guess.</p> <p>16 If he's CVS, yes, my boss did.</p> <p>17 Q. Could you go to 6623, please, of that</p> <p>18 document?</p> <p>19 A. What page?</p> <p>20 MR. BUSH: 6623. Is that right?</p> <p>21 MR. GOETZ: Yes. I'm sorry, I</p> <p>22 apologize, 66622 and 66623. So 66623, please.</p> <p>23 MR. BUSH: I'm sorry, 666 -- oh.</p> <p>24 THE WITNESS: 23.</p>	<p style="text-align: right;">Page 177</p> <p>1 Q. The first paragraph up top, where it's</p> <p>2 Paragraph C. It says, "Use CVS's standard</p> <p>3 operating procedures, SOPs, for all DEA</p> <p>4 requirements in our facility to ensure</p> <p>5 continuance and complete adherence to all</p> <p>6 requirements," correct?</p> <p>7 MR. BUSH: Okay. Wait a second.</p> <p>8 Make sure you have the context for that. So</p> <p>9 it's the carry over from X-3, which is</p> <p>10 actually 6622.</p> <p>11 THE WITNESS: I'm out of...</p> <p>12 (Witness reviews document.)</p> <p>13 A. So does it read that?</p> <p>14 BY MR. GOETZ:</p> <p>15 Q. Yes.</p> <p>16 A. Yes, that's what it reads.</p> <p>17 Q. And do you understand that what</p> <p>18 they're talking about, where it says,</p> <p>19 "Adherence to all requirements," are all DEA</p> <p>20 requirements, correct?</p> <p>21 A. Yes, for all DEA requirements in our</p> <p>22 facility.</p> <p>23 Q. And if you go to Paragraph 2, which</p> <p>24 precedes this on 6622, you just looked at</p>

<p style="text-align: right;">Page 178</p> <p>1 it --</p> <p>2 A. Paragraph 2, yes.</p> <p>3 Q. -- what that says is, "While</p> <p>4 comprehensive, DEA requirements are not</p> <p>5 difficult to meet if they are viewed as a</p> <p>6 continuing -- continuous process. The</p> <p>7 following steps will help."</p> <p>8 So that Paragraph C that we just read,</p> <p>9 it's fair to say, according to the CVS SOP,</p> <p>10 that that is one of the steps that needs to be</p> <p>11 followed to meet -- to make it easy to meet</p> <p>12 the DEA requirements, correct?</p> <p>13 MR. BUSH: Objection.</p> <p>14 MR. GOETZ: I butchered that</p> <p>15 question. I'll withdraw it.</p> <p>16 BY MR. GOETZ:</p> <p>17 Q. If you read Paragraph 2 on 66622 --</p> <p>18 A. Yes.</p> <p>19 Q. -- that outlines, here are steps that</p> <p>20 will make it easy to meet the DEA</p> <p>21 requirements, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And Paragraph C is one of those steps,</p> <p>24 correct?</p>	<p style="text-align: right;">Page 180</p> <p>1 Q. Right.</p> <p>2 A. -- into in SOP?</p> <p>3 Q. Into this SOP.</p> <p>4 A. Yes. But outside of this SOP, I can't</p> <p>5 speak to if there was anything written.</p> <p>6 Q. Right. There might be some phantom</p> <p>7 document that we don't know about?</p> <p>8 MR. BUSH: Objection.</p> <p>9 BY MR. GOETZ:</p> <p>10 Q. But in this standard operating</p> <p>11 procedure in 2007, it was not possible to use</p> <p>12 this SOP -- the 2007 SOP to meet the DEA</p> <p>13 requirements in the facility to ensure</p> <p>14 continuous and complete adherence to all</p> <p>15 requirements because they didn't exist,</p> <p>16 correct?</p> <p>17 A. The written part of SOM didn't exist</p> <p>18 in this SOP.</p> <p>19 Q. So it was impossible to follow</p> <p>20 Paragraph C, correct?</p> <p>21 A. Correct.</p> <p>22 Q. And it was impossible in 2008 to</p> <p>23 follow Paragraph C, correct?</p> <p>24 A. Correct.</p>
<p style="text-align: right;">Page 179</p> <p>1 A. Yes.</p> <p>2 Q. And Paragraph C talks about using the</p> <p>3 CVS standard operating procedures to ensure</p> <p>4 continuous and complete adherence to all DEA</p> <p>5 requirements, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Correct?</p> <p>8 A. Yes.</p> <p>9 Q. And would you agree with me that since</p> <p>10 there was no SOM until August of 2010, it was</p> <p>11 impossible for CVS to use the SOP, standard</p> <p>12 operating procedures, for the DEA SOM</p> <p>13 requirements to make it easy to meet the DEA</p> <p>14 requirements?</p> <p>15 MR. BUSH: Objection.</p> <p>16 A. What is the question?</p> <p>17 BY MR. GOETZ:</p> <p>18 Q. In 2007, there were no SOM written</p> <p>19 requirements, correct?</p> <p>20 A. I don't know if -- I can't answer</p> <p>21 that. I don't know for sure.</p> <p>22 Q. We established earlier that they</p> <p>23 were -- they were put in in August of 2010?</p> <p>24 A. Into the --</p>	<p style="text-align: right;">Page 181</p> <p>1 Q. And it was impossible in 2009 to</p> <p>2 follow Paragraph C, correct?</p> <p>3 A. Correct.</p> <p>4 Q. It was impossible at least through</p> <p>5 August of 2010 to follow Paragraph C,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. Could you turn to 6628, please?</p> <p>9 A. 28?</p> <p>10 Q. Yes. Who was the DC DEA Compliance</p> <p>11 Coordinator for Indianapolis in 2007?</p> <p>12 A. I don't recall.</p> <p>13 Q. What about 2006?</p> <p>14 A. I don't recall.</p> <p>15 Q. What about 2008?</p> <p>16 A. I don't recall.</p> <p>17 Q. What about 2009?</p> <p>18 A. I don't recall.</p> <p>19 Q. '10?</p> <p>20 A. I don't recall.</p> <p>21 Q. '11?</p> <p>22 A. I don't recall.</p> <p>23 Q. Do you recall any year?</p> <p>24 A. I don't remember.</p>

<p style="text-align: right;">Page 182</p> <p>1 Q. Do you recall any year?</p> <p>2 A. For the compliance coordinator?</p> <p>3 Q. Yes.</p> <p>4 A. I can't remember.</p> <p>5 Q. The DC DEA Compliance Coordinator was</p> <p>6 actually kind of anybody they chose to pick,</p> <p>7 right, there were no requirements?</p> <p>8 MR. BUSH: Objection.</p> <p>9 A. I didn't pick them, so I can't speak</p> <p>10 to it. I think in general it would usually be</p> <p>11 the pharmacy manager or supervisor, I would</p> <p>12 think.</p> <p>13 BY MR. GOETZ:</p> <p>14 Q. You don't know?</p> <p>15 A. I don't know for certain.</p> <p>16 Q. There was nothing written about how to</p> <p>17 pick one, was there?</p> <p>18 A. Not that I recall.</p> <p>19 Q. There were no requirements on what</p> <p>20 type of role they were fulfilling in addition</p> <p>21 to being the DC DEA Compliance Coordinator,</p> <p>22 was there?</p> <p>23 A. Not --</p> <p>24 MR. BUSH: Objection.</p>	<p style="text-align: right;">Page 184</p> <p>1 Q. What -- I don't know what that means.</p> <p>2 A. Like picking store orders.</p> <p>3 Q. So the pharmacy manager would be a</p> <p>4 picker?</p> <p>5 A. No, would oversee the pickers.</p> <p>6 Q. Would they actually be a picker or</p> <p>7 would they work in an office somewhere?</p> <p>8 A. I don't believe they would be a</p> <p>9 picker. I believe they would work in an</p> <p>10 office.</p> <p>11 Q. And how would they oversee a picker?</p> <p>12 Do you have any idea?</p> <p>13 A. I do not have any idea.</p> <p>14 Q. Beyond what you've told me, do you</p> <p>15 have any idea what pharmacy store managers</p> <p>16 were doing from '08 to '14?</p> <p>17 A. I can't answer that, no.</p> <p>18 Q. No, you don't have any --</p> <p>19 A. No.</p> <p>20 Q. Could you go to 66628, please?</p> <p>21 A. Uh-huh.</p> <p>22 Q. And do you see where it says,</p> <p>23 Paragraph A, "Policy review and revision for</p> <p>24 administrative actions"?</p>
<p style="text-align: right;">Page 183</p> <p>1 A. Not that I recall.</p> <p>2 BY MR. GOETZ:</p> <p>3 Q. In fact, it was a tagalong position,</p> <p>4 correct? It was just something that they</p> <p>5 had -- someone else was doing a job and they</p> <p>6 said, hey, you're now the DC DEA Compliance</p> <p>7 Coordinator?</p> <p>8 MR. BUSH: Objection.</p> <p>9 A. I can't speak to that. I don't know</p> <p>10 how they were chosen.</p> <p>11 Q. Do you know that the distribution</p> <p>12 centers chose them?</p> <p>13 A. I can't recall.</p> <p>14 Q. Do you know if there's any corporate</p> <p>15 policy on how they were to be chosen?</p> <p>16 A. Not that I recall.</p> <p>17 Q. When you said it was -- did you say it</p> <p>18 was usually the pharmacy manager?</p> <p>19 A. From what I can remember.</p> <p>20 Q. And what -- what does the pharmacy</p> <p>21 manager do at the DC?</p> <p>22 A. I don't know their specific job</p> <p>23 functions, but they would usually oversee the</p> <p>24 pharmacy operation in the distribution center.</p>	<p style="text-align: right;">Page 185</p> <p>1 A. Uh-huh.</p> <p>2 Q. Could you read Paragraph A --</p> <p>3 Paragraph 1 into the record?</p> <p>4 A. "The DC DEA Compliance Coordinator</p> <p>5 will insure that all CVS DC personnel involved</p> <p>6 in the activities of controlled substances</p> <p>7 read the CVS/DEA distributor standard</p> <p>8 operating procedure at least once a year and</p> <p>9 receive the proper training in the</p> <p>10 requirements of the CVS/DEA distributor</p> <p>11 standard operating procedures."</p> <p>12 Q. Again, there were no SOM in these</p> <p>13 standard operating procedures until August of</p> <p>14 2010, correct, no suspicious order monitoring</p> <p>15 section?</p> <p>16 A. Correct.</p> <p>17 Q. And so it would be impossible -- even</p> <p>18 though it's here in a big paragraph, it would</p> <p>19 be impossible to ensure that all CVS DC</p> <p>20 personnel involved in the activity of</p> <p>21 controlled substances read the suspicious</p> <p>22 order monitoring section of the SOP, correct?</p> <p>23 That would be impossible in 2007?</p> <p>24 A. Correct.</p>

<p style="text-align: right;">Page 186</p> <p>1 Q. Correct?</p> <p>2 A. Correct.</p> <p>3 Q. That would be impossible in 2008?</p> <p>4 A. Correct.</p> <p>5 Q. It would be impossible in 2009?</p> <p>6 A. Correct.</p> <p>7 Q. It would be impossible in 2010 until</p> <p>8 August?</p> <p>9 A. Correct.</p> <p>10 Q. An awful lot of the training, the</p> <p>11 auditing for compliance, making sure people</p> <p>12 comply, it was not possible in the DCs until</p> <p>13 August of 2010 because there was no written</p> <p>14 SOM in the SOP; isn't that true?</p> <p>15 MR. BUSH: Objection.</p> <p>16 A. I can't speak to that.</p> <p>17 BY MR. GOETZ:</p> <p>18 Q. What have I -- what have we gone</p> <p>19 through that could have been done before</p> <p>20 August of 2010?</p> <p>21 A. I didn't oversee SOM, so I don't know</p> <p>22 if there was something outside of this policy</p> <p>23 that existed.</p> <p>24 Q. As the CVS DEA Compliance Coordinator,</p>	<p style="text-align: right;">Page 188</p> <p>1 A. 6628?</p> <p>2 Q. 66628, please.</p> <p>3 Do you see Paragraph 1?</p> <p>4 A. Uh-huh, yes.</p> <p>5 Q. Could you read that, please, into the</p> <p>6 record?</p> <p>7 A. "The DC DEA Compliance Coordinator,</p> <p>8 the pharmacy manager, and the operations</p> <p>9 manager are responsible for assuring that the</p> <p>10 SOPs are implemented."</p> <p>11 Q. And again, as the CVS DEA director</p> <p>12 of -- I'm sorry, compliance coordinator, you</p> <p>13 would agree that the SOPs contained no</p> <p>14 suspicious order monitoring program until</p> <p>15 August of 2010, correct?</p> <p>16 A. I would agree that this SOP did not</p> <p>17 contain an SOM portion.</p> <p>18 Q. And we don't know of any other SOP,</p> <p>19 correct?</p> <p>20 A. I do not know of.</p> <p>21 Q. Well, I --</p> <p>22 MR. BUSH: That's all she can</p> <p>23 answer, is what she knows.</p> <p>24 A. I can't -- I don't know.</p>
<p style="text-align: right;">Page 187</p> <p>1 would it have been important for you to know</p> <p>2 that?</p> <p>3 A. No, because I didn't work with the SOM</p> <p>4 system.</p> <p>5 Q. As -- but again, we don't know who was</p> <p>6 the SOM DEA Compliance Coordinator for CVS, do</p> <p>7 we?</p> <p>8 A. I can't say that I do.</p> <p>9 Q. There was nobody that was ever listed</p> <p>10 in the document as an SOM DEA Compliance</p> <p>11 Coordinator, was there?</p> <p>12 A. I don't think so no.</p> <p>13 Q. In fact, in every document given to</p> <p>14 the DEA, it's you who's listed as the CVS DEA</p> <p>15 Compliance Coordinator, correct?</p> <p>16 MR. BUSH: Objection.</p> <p>17 BY MR. GOETZ:</p> <p>18 Q. Is that correct?</p> <p>19 A. I'm listed as the compliance</p> <p>20 coordinator, yes.</p> <p>21 Q. DEA Compliance Coordinator?</p> <p>22 A. DEA Compliance Coordinator.</p> <p>23 Q. Can you go to staff training,</p> <p>24 Paragraph B, please?</p>	<p style="text-align: right;">Page 189</p> <p>1 BY MR. GOETZ:</p> <p>2 Q. I also don't know.</p> <p>3 You would agree that then the DC DEA</p> <p>4 Compliance Coordinator, the pharmacy manager,</p> <p>5 and the operations manager could not assure</p> <p>6 that the SOM SOP was implemented in 2007</p> <p>7 because there was none?</p> <p>8 A. There was no SOM SOP in here, portion,</p> <p>9 you mean?</p> <p>10 Q. Right. There was none, correct?</p> <p>11 MR. BUSH: In this document.</p> <p>12 A. In this document, there was not.</p> <p>13 BY MR. GOETZ:</p> <p>14 Q. And none that we know of?</p> <p>15 A. None that I can speak to.</p> <p>16 Q. So in 2007, this was impossible,</p> <p>17 correct, to assure compliance?</p> <p>18 MR. BUSH: Objection.</p> <p>19 BY MR. GOETZ:</p> <p>20 Q. To assure that the SOP related to the</p> <p>21 SOM was implemented?</p> <p>22 A. With this SOP, yes.</p> <p>23 Q. It was impossible?</p> <p>24 A. Yes.</p>

Page 190	Page 192
<p>1 Q. 2008, impossible?</p> <p>2 A. With this SOP.</p> <p>3 Q. 2009?</p> <p>4 A. With this SOP, yes.</p> <p>5 Q. All the way through August of 2010,</p> <p>6 impossible?</p> <p>7 A. With this SOP, yes.</p> <p>8 Q. Assuming that we don't discover some</p> <p>9 other SOP containing an SOM pre-August of</p> <p>10 2010, would you agree it's impossible? You</p> <p>11 keep saying, "With this SOP."</p> <p>12 A. If you don't find -- yes, if we don't</p> <p>13 have an SOP.</p> <p>14 Q. Right.</p> <p>15 A. (Witness nodding.)</p> <p>16 Q. And you have no evidence that you do</p> <p>17 have one?</p> <p>18 A. I do not have one. I wasn't</p> <p>19 responsible for the program.</p> <p>20 Q. Can you go to staff training Paragraph</p> <p>21 4 of that, please? Could you read that,</p> <p>22 please?</p> <p>23 A. "It is CVS's intention that the</p> <p>24 training will be ongoing and continual. There</p>	<p>1 Q. We haven't seen anything in here where</p> <p>2 they could do any compliance audits, correct?</p> <p>3 Everything we've read, it wouldn't be</p> <p>4 possible, correct, because there was no</p> <p>5 document to audit it against?</p> <p>6 A. From what I know in this SOP, there's</p> <p>7 nothing written.</p> <p>8 Q. Okay. Does that concern you?</p> <p>9 A. I'm not familiar enough to know, with</p> <p>10 the system, if what was in place at that time.</p> <p>11 Q. Okay.</p> <p>12 A. But as it refers to the SOP, there's</p> <p>13 nothing written.</p> <p>14 Q. If you -- if you take -- assume that</p> <p>15 there's nothing else besides this document</p> <p>16 before August of 2010, does that concern you?</p> <p>17 A. I don't know if it concerns me at this</p> <p>18 point in time.</p> <p>19 Q. I'm sorry?</p> <p>20 A. At today's point in time, I don't know</p> <p>21 enough to say if it would have concerned me</p> <p>22 that there wasn't a written document.</p> <p>23 Q. You looked at a bunch of charts</p> <p>24 earlier, right, about the opioid crisis --</p>
Page 191	Page 193
<p>1 will be no exceptions to the training</p> <p>2 requirement."</p> <p>3 Q. You would agree with me that it was</p> <p>4 impossible to do any training as it relates to</p> <p>5 the SOM, suspicious order monitoring, in 2007?</p> <p>6 A. As it refers to the SOP, yes.</p> <p>7 Q. Impossible in 2008 to do any training</p> <p>8 on this suspicious order monitoring?</p> <p>9 A. With a written portion in this SOP,</p> <p>10 yes.</p> <p>11 Q. Impossible in 2009?</p> <p>12 A. For a written portion, yes, in this</p> <p>13 SOP.</p> <p>14 Q. And impossible at least until August</p> <p>15 of 2010?</p> <p>16 A. For a written portion in this SOP,</p> <p>17 yes.</p> <p>18 Q. As the DEA Compliance Coordinator,</p> <p>19 sitting here today, does it concern you that</p> <p>20 at least from January 1 of '06 until August of</p> <p>21 2010 it was impossible to audit the suspicious</p> <p>22 order monitoring system?</p> <p>23 A. I don't know if that's a true</p> <p>24 statement.</p>	<p>1 A. Uh-huh.</p> <p>2 Q. -- all encompassing this time period,</p> <p>3 correct?</p> <p>4 MR. BUSH: Well, objection.</p> <p>5 A. I believe it was during this time</p> <p>6 period, yes.</p> <p>7 BY MR. GOETZ:</p> <p>8 Q. And you testified that you were aware</p> <p>9 of the opioid crisis at least ten years ago,</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. And so being aware of the opioid</p> <p>13 crisis and being the DEA Compliance</p> <p>14 Coordinator and if you assume and accept what</p> <p>15 I'm telling you, there was no other document</p> <p>16 before August of 2010, does it worry you that</p> <p>17 there was no ability to audit DEA compliance</p> <p>18 as it relates to the suspicious order</p> <p>19 monitoring?</p> <p>20 MR. BUSH: Objection.</p> <p>21 A. Does it concern me?</p> <p>22 BY MR. GOETZ:</p> <p>23 Q. Yes.</p> <p>24 A. That there was none? At -- I -- I</p>

<p style="text-align: right;">Page 194</p> <p>1 don't know.</p> <p>2 Q. Does it -- assuming all of those</p> <p>3 former things are true, does it concern you</p> <p>4 that there was no written policy so that you</p> <p>5 could do staff training as it relates to</p> <p>6 suspicious order monitoring?</p> <p>7 MR. BUSH: Objection.</p> <p>8 A. I don't know what was available.</p> <p>9 BY MR. GOETZ:</p> <p>10 Q. Assuming that there wasn't.</p> <p>11 MR. BUSH: Objection.</p> <p>12 BY MR. GOETZ:</p> <p>13 Q. I'm sorry, did you answer?</p> <p>14 A. No. I don't know what's available for</p> <p>15 training.</p> <p>16 Q. Okay. Assuming that we haven't seen</p> <p>17 any -- I'm telling you there wasn't any before</p> <p>18 August of 2010 -- understanding there was an</p> <p>19 opioid crisis, at least according to your</p> <p>20 testimony that you were aware of going back to</p> <p>21 August of -- or 2008 -- you were the DEA</p> <p>22 Compliance Coordinator -- does it concern you</p> <p>23 that there was no documents upon which to</p> <p>24 train staff about suspicious order</p>	<p style="text-align: right;">Page 196</p> <p>1 Q. Will that be the same all the way</p> <p>2 through '14?</p> <p>3 A. Yeah.</p> <p>4 Q. And yet, we agreed earlier that the</p> <p>5 entirety of this document and the entirety of</p> <p>6 the DEA, as it relates to controlled</p> <p>7 substances, is to prevent diversion?</p> <p>8 A. Uh-huh.</p> <p>9 Q. And to make sure we have adequate</p> <p>10 supply, correct?</p> <p>11 A. Correct.</p> <p>12 Q. Is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And a huge portion of preventing</p> <p>15 diversion is this suspicious order monitoring</p> <p>16 program, correct?</p> <p>17 MR. BUSH: Objection.</p> <p>18 A. I -- a huge portion? I don't know if</p> <p>19 I could specifically say it's a huge</p> <p>20 portion.</p> <p>21 Q. Significant portion?</p> <p>22 MR. BUSH: Objection.</p> <p>23 BY MR. GOETZ:</p> <p>24 Q. Strike that.</p>
<p style="text-align: right;">Page 195</p> <p>1 monitoring?</p> <p>2 MR. BUSH: Objection.</p> <p>3 A. I don't know if it concerns me.</p> <p>4 BY MR. GOETZ:</p> <p>5 Q. Are you saying it does -- you don't</p> <p>6 know if it concerns you today --</p> <p>7 A. Yes.</p> <p>8 Q. -- or you don't know if it would have</p> <p>9 concerned you in 2008?</p> <p>10 A. Today.</p> <p>11 Q. What about in 2008, had you known</p> <p>12 that?</p> <p>13 A. I don't recall what I remember about</p> <p>14 SOM in 2008, so I don't -- I can't say if it</p> <p>15 would concern me then.</p> <p>16 Q. What about 2009?</p> <p>17 A. I can't say what I recall about it</p> <p>18 back then.</p> <p>19 Q. What about 2010?</p> <p>20 A. Again, I can't say if -- what I recall</p> <p>21 about it back then.</p> <p>22 Q. '11?</p> <p>23 A. Same thing, I don't recall -- I can't</p> <p>24 say if I can recall.</p>	<p style="text-align: right;">Page 197</p> <p>1 What is the importance of a suspicious</p> <p>2 order monitoring program in preventing</p> <p>3 diversion?</p> <p>4 A. What is the purpose of it?</p> <p>5 Q. No. What's the importance? How</p> <p>6 important is it?</p> <p>7 A. How do I feel how important it is?</p> <p>8 Q. Uh-huh.</p> <p>9 MR. BUSH: Are you talking --</p> <p>10 THE WITNESS: Personally how</p> <p>11 important?</p> <p>12 MR. BUSH: I don't -- no. Just</p> <p>13 are you talking about at CVS or generally?</p> <p>14 THE WITNESS: Right. Thank you.</p> <p>15 MR. BUSH: In the whole world?</p> <p>16 THE WITNESS: In the world or my</p> <p>17 feeling like --</p> <p>18 MR GOETZ: Well, for one, it's</p> <p>19 not a 30(b)(6), right? She's a fact</p> <p>20 witness.</p> <p>21 THE WITNESS: So just me?</p> <p>22 MR. GOETZ: Yes.</p> <p>23 MR. BUSH: No, I understand</p> <p>24 that, but you could still be asking about the</p>

<p style="text-align: right;">Page 198</p> <p>1 whole world or you could be asking how</p> <p>2 important was it for CVS to have it. That was</p> <p>3 the distinction I was making. It doesn't have</p> <p>4 to do whether she's a 30(b)(6), but I've</p> <p>5 already spoken too much.</p> <p>6 BY MR. GOETZ:</p> <p>7 Q. Do you remember the question?</p> <p>8 A. How important is suspicious order</p> <p>9 monitoring?</p> <p>10 Q. Yes.</p> <p>11 A. I don't know if I could put a weight</p> <p>12 on it. I've never thought about it in those</p> <p>13 terms.</p> <p>14 Q. It's critical in preventing diversion,</p> <p>15 do you not agree with that?</p> <p>16 MR. BUSH: Objection.</p> <p>17 A. I believe it plays a piece in</p> <p>18 identifying diversion.</p> <p>19 BY MR. GOETZ:</p> <p>20 Q. From a distribution perspective, okay,</p> <p>21 from a distribution perspective, what else</p> <p>22 plays a piece?</p> <p>23 MR. BUSH: Objection.</p> <p>24 A. Yeah, I can't speak to what else plays</p>	<p style="text-align: right;">Page 200</p> <p>1 policy is important in preventing diversion,</p> <p>2 understanding that you were aware of the</p> <p>3 opioid crisis at least until 2008, and</p> <p>4 understanding that you were the CVS DEA</p> <p>5 Compliance Coordinator, does it concern you</p> <p>6 that you had no written policy such that you</p> <p>7 couldn't audit it and then you couldn't</p> <p>8 correct any deficiencies as it related to your</p> <p>9 suspicious order monitoring?</p> <p>10 MR. BUSH: Objection.</p> <p>11 A. Yeah, I don't know if I can answer</p> <p>12 that, like, for that point in time because I</p> <p>13 wouldn't have been looking at it to audit it.</p> <p>14 It didn't fall under my responsibility as far</p> <p>15 as managing the program.</p> <p>16 Q. I hate to keep doing this, but you --</p> <p>17 unless you tell me there's somebody else,</p> <p>18 you're responsible for assuring compliance</p> <p>19 with applicable CSA requirements implemented</p> <p>20 by each CVS distribution center.</p> <p>21 And if they don't have a written SOM,</p> <p>22 how can we assure compliance?</p> <p>23 MR. BUSH: Objection.</p> <p>24 A. I don't know what else was available</p>
<p style="text-align: right;">Page 199</p> <p>1 a piece in the distribution. There could be</p> <p>2 multiple factors that play pieces.</p> <p>3 BY MR. GOETZ:</p> <p>4 Q. As the CVS DEA Compliance Coordinator,</p> <p>5 are you aware of any other system other than a</p> <p>6 suspicious order monitoring system that</p> <p>7 prevents diversion?</p> <p>8 MR. BUSH: Objection.</p> <p>9 A. At CVS?</p> <p>10 BY MR. GOETZ:</p> <p>11 Q. Yes, or anywhere. Tell me anywhere.</p> <p>12 A. Oh, I don't know.</p> <p>13 Q. What about at CVS?</p> <p>14 A. I don't know. I don't think so. I</p> <p>15 think it's just SOM.</p> <p>16 Q. Right. So SOM is -- we can agree it's</p> <p>17 critical. You can't think of anything else.</p> <p>18 We can at least agree it's critical?</p> <p>19 A. It's important.</p> <p>20 MR. BUSH: Objection.</p> <p>21 BY MR. GOETZ:</p> <p>22 Q. It's important?</p> <p>23 A. (Witness nodding.)</p> <p>24 Q. Okay. Understanding that an SOM</p>	<p style="text-align: right;">Page 201</p> <p>1 for SOM.</p> <p>2 Q. Again, we're -- you don't know of</p> <p>3 anything else available?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. How long have we been at</p> <p>6 this?</p> <p>7 MR. BUSH: I don't know. We've</p> <p>8 got --</p> <p>9 THE VIDEOGRAPHER: An hour and</p> <p>10 eight minutes.</p> <p>11 MR. GOETZ: Let's take a</p> <p>12 break.</p> <p>13 THE VIDEOGRAPHER: The time is</p> <p>14 1:48 p.m. We're off the record.</p> <p>15</p> <p>16 (Recess taken from 1:48 p.m.</p> <p>17 to 2:04 p.m.)</p> <p>18</p> <p>19 THE VIDEOGRAPHER: The time is</p> <p>20 2:04 p.m. and we're on the record.</p> <p>21</p> <p>22 CONTINUED DIRECT EXAMINATION</p> <p>23 BY MR. BAKER:</p> <p>24 Q. Ms. Propatier, Bill Baker back asking</p>

<p style="text-align: right;">Page 202</p> <p>1 you questions.</p> <p>2 Are you familiar with the term</p> <p>3 "Outside vendors"?</p> <p>4 A. Yes.</p> <p>5 Q. Outside vendors means that -- well,</p> <p>6 let's take some history.</p> <p>7 CVS distribution centers distribute --</p> <p>8 or distributed Schedule III through Schedule V</p> <p>9 drugs to CVS retail pharmacies, correct?</p> <p>10 A. Yes.</p> <p>11 Q. CVS distribution centers never</p> <p>12 distributed or housed Schedule II drugs. That</p> <p>13 was always something that was purchased from</p> <p>14 outside vendors by the retail stores, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And with respect to the suspicious</p> <p>17 order monitoring policy that was first</p> <p>18 inserted by you into the SOP, which was August</p> <p>19 25, 2010, that dealt with the suspicious order</p> <p>20 monitoring of Schedule III narcotics that were</p> <p>21 distributed and supplied out of the CVS</p> <p>22 distribution centers to the CVS retail</p> <p>23 pharmacies; is that correct?</p> <p>24 A. Yes, III through V.</p>	<p style="text-align: right;">Page 204</p> <p>1 BY MR. BAKER:</p> <p>2 Q. It's Exhibit 53 and it's Bates number</p> <p>3 33579, correct, at the bottom?</p> <p>4 A. Yes.</p> <p>5 Q. And it is an e-mail dated 10/8/2012</p> <p>6 from Pamela Hinkle to Aaron Burtner.</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And this says, "Regarding conference</p> <p>10 call notes, 10/5/12."</p> <p>11 Do you see that?</p> <p>12 A. Conference call notes, 10/5 yes.</p> <p>13 Q. Do you know Pamela Hinkle?</p> <p>14 A. Yes, I know Pam.</p> <p>15 Q. Who is Pamela Hinkle?</p> <p>16 A. In 2012?</p> <p>17 Q. Yes, ma'am.</p> <p>18 A. She worked in loss prevention.</p> <p>19 MR. BUSH: Wait for --</p> <p>20 A. Sorry, she was based in Tennessee.</p> <p>21 MR. BUSH: I was asking him to</p> <p>22 let you finish your answer.</p> <p>23 BY MR. BAKER:</p> <p>24 Q. I'm sorry if I overstepped your</p>
<p style="text-align: right;">Page 203</p> <p>1 Q. To the extent that CVS retail</p> <p>2 pharmacies also purchased either Schedule III</p> <p>3 narcotics or Schedule II narcotics from</p> <p>4 outside vendors, that would not be something</p> <p>5 that CVS Pharmacy or CVS distribution centers</p> <p>6 would be able to monitor; is that correct?</p> <p>7 MR. BUSH: Objection.</p> <p>8 A. From what I know, I wouldn't think so</p> <p>9 by.</p> <p>10 BY MR. BAKER:</p> <p>11 Q. In fact, that's something that they</p> <p>12 don't monitor; is that right?</p> <p>13 MR. BUSH: Objection.</p> <p>14 A. Yeah I don't believe so, no.</p> <p>15 BY MR. BAKER:</p> <p>16 Q. Okay. Let me show you what is marked</p> <p>17 as Exhibit 53.</p> <p>18</p> <p>19 (Exhibit No. 53 marked for</p> <p>20 identification.)</p> <p>21</p> <p>22 MR. BUSH: I'm sorry, you said</p> <p>23 this was 53?</p> <p>24 MR. BAKER: Yes, sir.</p>	<p style="text-align: right;">Page 205</p> <p>1 answer.</p> <p>2 A. That's okay.</p> <p>3 Q. So who was Pamela Hinkle?</p> <p>4 A. She worked in loss prevention out of</p> <p>5 Tennessee.</p> <p>6 Q. Who was Aaron Burtner at that time?</p> <p>7 A. I know the name Aaron, but I don't</p> <p>8 know -- I don't know the specifics about</p> <p>9 Aaron.</p> <p>10 Q. Would you turn to the next page? Do</p> <p>11 you see at the bottom there it says -- we'll</p> <p>12 highlight this if you would, technology --</p> <p>13 "All orders," where it says -- now this --</p> <p>14 taken in context, is an AGI CVS discussion on</p> <p>15 10/5/12; is that correct?</p> <p>16 A. Yes, that's what it says.</p> <p>17 MR. BUSH: This does not reflect</p> <p>18 she participated in it, correct?</p> <p>19 THE WITNESS: Correct.</p> <p>20 MR. BAKER: I'm sorry?</p> <p>21 MR. BUSH: I mean, I'm just</p> <p>22 noting she's not on this list.</p> <p>23 THE WITNESS: No.</p> <p>24 MR. BAKER: No.</p>

Page 206	Page 208
<p>1 BY MR. BAKER:</p> <p>2 Q. This is for pharmacy DC ordering</p> <p>3 process, conference call recap, correct, at</p> <p>4 the top?</p> <p>5 A. Yes, that's what it says.</p> <p>6 Q. And it says here, "All orders</p> <p>7 generated from outside vendors are not pushed</p> <p>8 through the SOM process," correct?</p> <p>9 A. That's what it says.</p> <p>10 Q. And that would be an accurate</p> <p>11 statement, that at no time have outside vendor</p> <p>12 orders for CVS retail pharmacies been pushed</p> <p>13 through the SOM process that CVS had in place;</p> <p>14 is that correct?</p> <p>15 MR. BUSH: Objection.</p> <p>16 A. I cannot speak to that.</p> <p>17 BY MR. BAKER:</p> <p>18 Q. Well, as of 2012, this document</p> <p>19 clearly indicates that all orders generated</p> <p>20 from outside vendors are not pushed through</p> <p>21 the SOM process, correct?</p> <p>22 A. This line says all orders generated</p> <p>23 from outside vendors have not pushed through</p> <p>24 SOM, but I --</p>	<p>1 BY MR. BAKER:</p> <p>2 Q. Because you can't speak to it, that</p> <p>3 doesn't give you any reason at all to disagree</p> <p>4 with it, correct?</p> <p>5 MR. BUSH: Objection.</p> <p>6 A. It also doesn't give me reason to</p> <p>7 agree with it.</p> <p>8 BY MR. BAKER:</p> <p>9 Q. So you can neither agree nor</p> <p>10 disagree?</p> <p>11 A. Correct.</p> <p>12 Q. But you will agree that this is a CVS</p> <p>13 document that does say that as of October 5,</p> <p>14 2012, all orders generated from outside</p> <p>15 vendors are not pushed through the SOM</p> <p>16 process? You would agree with that,</p> <p>17 correct?</p> <p>18 A. I can agree that this says that.</p> <p>19 Q. And you did not know the process to be</p> <p>20 any different than what is stated on this</p> <p>21 document; is that correct?</p> <p>22 A. I cannot speak to the process.</p> <p>23 Q. Because you can't speak to the</p> <p>24 process, you can't speak to the process as</p>
Page 207	Page 209
<p>1 Q. That would be as late as October 5,</p> <p>2 2012, that was still an issue, correct?</p> <p>3 A. I can't speak --</p> <p>4 MR. BUSH: Objection. Go</p> <p>5 ahead.</p> <p>6 A. I can't speak to if that was an issue.</p> <p>7 BY MR. BAKER:</p> <p>8 Q. It --</p> <p>9 A. I have no idea.</p> <p>10 Q. It was still a fact, as of October 5,</p> <p>11 2012, that all orders generated for outside</p> <p>12 vendors were not pushed through the SOM</p> <p>13 process, correct?</p> <p>14 MR. BUSH: Objection.</p> <p>15 A. I can't speak to that.</p> <p>16 BY MR. BAKER:</p> <p>17 Q. The document says that, correct?</p> <p>18 A. Correct, the document says that.</p> <p>19 Q. And you would have no reason to</p> <p>20 disagree with what this document says; is that</p> <p>21 correct?</p> <p>22 MR. BUSH: Objection.</p> <p>23 A. I can't speak to it. I don't know the</p> <p>24 context.</p>	<p>1 being any different than what's stated on the</p> <p>2 document, correct?</p> <p>3 A. Yeah, I cannot speak to it either way.</p> <p>4 Q. As CVS DEA Compliance Coordinator, you</p> <p>5 were aware, as late as October 5, 2012, that</p> <p>6 all orders generated for outside vendors were</p> <p>7 not pushed through the suspicious order</p> <p>8 monitoring process, correct?</p> <p>9 MR. BUSH: Objection.</p> <p>10 A. I can't agree with that.</p> <p>11 BY MR. BAKER:</p> <p>12 Q. Well, tell me, what process was there</p> <p>13 for suspicious order monitoring at CVS for</p> <p>14 outside vendors as of 10/5/12?</p> <p>15 A. I cannot speak to that. I do not</p> <p>16 know.</p> <p>17 Q. As CVS DEA Compliance Coordinator,</p> <p>18 shouldn't you have known one way or the other,</p> <p>19 in your duties as CVS DEA Compliance</p> <p>20 Coordinator in 2012, whether or not outside</p> <p>21 vendor orders would or would not be pushed</p> <p>22 through the SOM process?</p> <p>23 MR. BUSH: Objection.</p> <p>24 A. I can't agree with that or not. I</p>

<p style="text-align: right;">Page 210</p> <p>1 wasn't -- I wasn't involved in the SOM 2 management. 3 BY MR. BAKER: 4 Q. Let me show you what's marked as 5 Exhibit No. 45. 6 7 (Exhibit No. 45 marked for 8 identification.) 9 10 BY MR. BAKER: 11 Q. Now, this is a document dated 12 5/8/2013, Bates number 22896, an e-mail from 13 Dean Vanelli to Christopher Tulley regarding a 14 staff meeting update and logistics planning. 15 Do you know Dean Vanelli? 16 A. Yes, I do. 17 Q. Who was he at the time of this e-mail? 18 A. He was the director in logistics 19 planning. 20 Q. And who was Christopher Tulley at the 21 time of this e-mail? 22 A. Christopher Tulley worked in 23 logistics, I believe, as a project manager. 24 Q. May I see the copy that I've just</p>	<p style="text-align: right;">Page 212</p> <p>1 future, is it not, logistics planning? 2 MR. BUSH: Objection. 3 A. I cannot speak to this. 4 BY MR. BAKER: 5 Q. At the time this document was written 6 though, there was not already in place a 7 suspicious order monitoring system by CVS for 8 outside vendors; is that correct? 9 MR. BUSH: Objection. 10 A. I can't speak to that. I don't know. 11 BY MR. BAKER: 12 Q. I'll hand you that. So hand it to the 13 court reporter, please? 14 A. Do you want this back? 15 Q. Yes, please, ma'am. 16 Let's go to Exhibit 104. 17 18 (Exhibit No. 104 marked for 19 identification.) 20 21 MR. BUSH: Guys, could we go off 22 the record for one second? I just got a phone 23 call that I really need to take. 24 MR. BAKER: Yes, no problem.</p>
<p style="text-align: right;">Page 211</p> <p>1 handed you, please, ma'am? 2 A. Yes. 3 Q. I'll give you another copy. 4 MR. BUSH: A better copy. 5 BY MR. BAKER: 6 Q. If you would, under the suspicious 7 order monitoring page, page 2 of the document, 8 at the top, if you would highlight the fifth 9 bullet down, about SOM process. 10 Now, if you go back to the beginning 11 of this document, this document is a logistics 12 planning document dated May 13, 2013, 13 correct? 14 A. Yes. 15 Q. And if you page in to that document, 16 it shows that the SOM process will include 17 store controlled-substance orders placed with 18 CVS warehouses and outside vendors, Cardinal 19 and McKesson, as well as store orders of DEA 20 listed chemicals, which is PSEE acetone, 21 iodine, known meth precursors. That's what it 22 says, correct? 23 A. That's what it says, yes. 24 Q. So this is a planning document for the</p>	<p style="text-align: right;">Page 213</p> <p>1 THE VIDEOGRAPHER: The time is 2 2:14 p.m. and we're off the record. 3 4 (Recess was taken from 2:14 p.m. 5 to 2:16 p.m.) 6 7 THE VIDEOGRAPHER: The time is 8 2:16 p.m. and we're on the record. 9 BY MR. BAKER: 10 Q. Yes. I'm showing you right now 11 Exhibit 104. It is Bates number 103329. It 12 is an e-mail, 1/18/2013, of Mr. Craig Schiavo 13 to Mr. Tom Bourque. 14 Who was Craig Schiavo at the time of 15 this e-mail? 16 A. I believe Craig worked in compliance. 17 Q. And who was Tom Bourque at the time of 18 this e-mail? 19 A. I believe he was the director in 20 compliance. 21 Q. The e-mail says -- if you would 22 highlight this, please. Highlight everything 23 in the first two paragraphs. 24 It begins with "Tom, below are some</p>

<p style="text-align: right;">Page 214</p> <p>1 bullets on the importance of including OV</p> <p>2 orders in the SOM algorithm."</p> <p>3 That's what it says, correct?</p> <p>4 A. Correct.</p> <p>5 Q. OV orders means outside vendor orders,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. It says, "Why it is needed: DEA know</p> <p>9 your customer requirements," correct?</p> <p>10 A. Correct.</p> <p>11 Q. And do you remember, earlier in your</p> <p>12 deposition today, when I asked had you</p> <p>13 familiarized yourself with the</p> <p>14 know-your-customer requirement of the DEA? Do</p> <p>15 you remember that?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Do you remember your answer to</p> <p>18 that question?</p> <p>19 A. Yes. I believe I said I don't</p> <p>20 remember.</p> <p>21 Q. You weren't familiar with it?</p> <p>22 A. Yeah.</p> <p>23 Q. Were you?</p> <p>24 A. Yeah.</p>	<p style="text-align: right;">Page 216</p> <p>1 process going on at that time?</p> <p>2 MR. BUSH: Objection.</p> <p>3 A. No.</p> <p>4 BY MR. BAKER:</p> <p>5 Q. As DE -- as CVS DEA Compliance</p> <p>6 Coordinator, you could not tell us what the</p> <p>7 role of dispensing data was as contained in</p> <p>8 the algorithm for suspicious order</p> <p>9 monitoring?</p> <p>10 MR. BUSH: Objection.</p> <p>11 A. No.</p> <p>12 BY MR. BAKER:</p> <p>13 Q. Okay. Would you agree that -- as CVS</p> <p>14 DEA Compliance Coordinator, that CVS must</p> <p>15 account for all controlled substances ordered</p> <p>16 inclusive of outside vendor orders?</p> <p>17 MR. BUSH: Objection.</p> <p>18 A. Would I agree -- I'm sorry.</p> <p>19 Q. Would you agree, as CVS DEA Compliance</p> <p>20 Coordinator, that CVS must account for all</p> <p>21 controlled substances ordered by CVS</p> <p>22 pharmacies inclusive of outside vendor</p> <p>23 orders?</p> <p>24 MR. BUSH: Objection.</p>
<p style="text-align: right;">Page 215</p> <p>1 Q. But you know from reading this e-mail,</p> <p>2 at least that -- according to Mr. Schiavo</p> <p>3 within CVS, that including outside vendor</p> <p>4 orders in the SOM algorithm is needed in order</p> <p>5 to meet the DEA know-your-customer</p> <p>6 requirement, correct?</p> <p>7 MR. BUSH: Objection.</p> <p>8 A. I -- I don't know if I can say reading</p> <p>9 from this e-mail.</p> <p>10 Q. Well, that's what it says. It</p> <p>11 says --</p> <p>12 A. He says --</p> <p>13 Q. -- why it is needed because DEA</p> <p>14 know-your-customer requirements, correct?</p> <p>15 Doesn't it say that?</p> <p>16 A. Craig says it, correct.</p> <p>17 Q. Okay. And it also says why it is</p> <p>18 needed is "In order for dispensing data</p> <p>19 contained in the algorithm to be useful, we</p> <p>20 must account for all controlled substances</p> <p>21 ordered," correct?</p> <p>22 A. According to Craig's e-mail, yes.</p> <p>23 Q. Do you even know how dispensing data</p> <p>24 was used in the algorithm within the SOM</p>	<p style="text-align: right;">Page 217</p> <p>1 A. I don't know if I would agree with</p> <p>2 that.</p> <p>3 Q. Does this document indicate that CVS</p> <p>4 must account for all controlled substances</p> <p>5 ordered, including outside vendor orders? Is</p> <p>6 that what this document indicates?</p> <p>7 MR. BUSH: Objection.</p> <p>8 A. His document states we must account</p> <p>9 for all control substance ordered, so</p> <p>10 according to Craig, yes.</p> <p>11 BY MR. BAKER:</p> <p>12 Q. Okay. It also says that why it is</p> <p>13 needed is to track all NDC numbers. Do you</p> <p>14 know what NDC numbers are?</p> <p>15 A. Yes, I know what a NDC is.</p> <p>16 Q. What is an NDC?</p> <p>17 A. The identifying number on the bottles.</p> <p>18 Q. Ordered by -- it says "To track all</p> <p>19 NDC numbers ordered by store and have the</p> <p>20 ability to add unknown first-time item orders</p> <p>21 into our SOM system," correct?</p> <p>22 A. That's what it says, yes.</p> <p>23 Q. It says potential issues, if not</p> <p>24 accounted for in realtime. First is "store</p>

<p style="text-align: right;">Page 218</p> <p>1 may order a little from both the outside</p> <p>2 vendor and the distribution center to stay</p> <p>3 under the radar," correct?</p> <p>4 A. That's what it says, correct.</p> <p>5 Q. So let me give you an example</p> <p>6 hypothetically. So suppose you have a CVS</p> <p>7 retail store that decides it wants to order --</p> <p>8 the pharmacist wants to order 30,000</p> <p>9 hydrocodone-combination pills from the</p> <p>10 distribution center that CVS actually owns,</p> <p>11 whether it be Indiana or Chemung, New York,</p> <p>12 all right.</p> <p>13 In this hypothetical, let's suppose</p> <p>14 that 30,000 runs through the SOM system and is</p> <p>15 not flagged as an irregular order. Are you</p> <p>16 with me so far?</p> <p>17 A. Uh-huh.</p> <p>18 Q. And I want you to assume that when the</p> <p>19 pharmacist hangs up the phone, the pharmacist</p> <p>20 then orders 30,000 more from McKesson or</p> <p>21 Cardinal of the same drug, high hydrocodone</p> <p>22 combination products.</p> <p>23 That's the premise of the hypothetical</p> <p>24 facts that I want you to assume. Are you with</p>	<p style="text-align: right;">Page 220</p> <p>1 happened in the potential issues, if not</p> <p>2 accounted for in realtime.</p> <p>3 Could you highlight that last sentence</p> <p>4 where it says, "Stores can place phone</p> <p>5 orders," then the two bullets below it?</p> <p>6 It says, "Stores can place phone</p> <p>7 orders which have no visibility to -- until a</p> <p>8 later time," and then as a bullet, "currently</p> <p>9 have a store which had a 68,000 hydrocodone</p> <p>10 pill loss and was placing phone orders to</p> <p>11 outside vendor." Isn't that what it says?</p> <p>12 A. That's what it says.</p> <p>13 Q. This is a CVS store, correct?</p> <p>14 A. That's what it says.</p> <p>15 Q. And when CVS pharmacies lose 68,000</p> <p>16 hydrocodone pills, that's diversion, is it</p> <p>17 not?</p> <p>18 MR. BUSH: Objection.</p> <p>19 A. I can't speak to that.</p> <p>20 Q. That's classic diversion, is it not?</p> <p>21 MR. BUSH: Objection.</p> <p>22 A. I can't speak to that. I don't have</p> <p>23 enough information.</p> <p>24 BY MR. BAKER:</p>
<p style="text-align: right;">Page 219</p> <p>1 me so far?</p> <p>2 A. I'm with you.</p> <p>3 Q. The question is: If outside vendor</p> <p>4 orders of that store are not being monitored</p> <p>5 by CVS corporate or CVS distribution centers,</p> <p>6 then how would CVS monitor that extra 30,000</p> <p>7 pills that are being ordered from an outside</p> <p>8 vendor by that pharmacy?</p> <p>9 MR. BUSH: Objection.</p> <p>10 A. I don't know. I can't speak to the</p> <p>11 system.</p> <p>12 Q. This system didn't monitor it at all,</p> <p>13 did it, the -- CVS's system?</p> <p>14 MR. BUSH: Objection.</p> <p>15 A. I don't know.</p> <p>16 BY MR. BAKER:</p> <p>17 Q. And when things like that aren't</p> <p>18 monitored, it can lead to diversion, can it</p> <p>19 not?</p> <p>20 MR. BUSH: Objection.</p> <p>21 A. I assume if something's not monitored</p> <p>22 it could.</p> <p>23 BY MR. BAKER:</p> <p>24 Q. Okay. In fact, let's look at what</p>	<p style="text-align: right;">Page 221</p> <p>1 Q. Did CVS corporate or CVS at any level,</p> <p>2 distribution center, pharmacy or any level,</p> <p>3 report that loss of 68,000 hydrocodone pills</p> <p>4 to the DEA, yes or no?</p> <p>5 MR. BUSH: Objection.</p> <p>6 A. I don't know. I'm not familiar with</p> <p>7 it.</p> <p>8 BY MR. BAKER:</p> <p>9 Q. As CVS DEA Compliance Coordinator,</p> <p>10 would you expect somebody within CVS to report</p> <p>11 that 68,000 hydrocodone pill loss to the DEA</p> <p>12 to be in compliance with the DEA</p> <p>13 regulations?</p> <p>14 MR. BUSH: Objection.</p> <p>15 A. I don't know. I don't know what the</p> <p>16 circumstances are regarding it.</p> <p>17 BY MR. BAKER:</p> <p>18 Q. 68 -- according to this document,</p> <p>19 ma'am, you're looking at 68,000 hydrocodone</p> <p>20 pills that were lost, correct?</p> <p>21 A. That's what this says, but I don't</p> <p>22 know what the circumstances are.</p> <p>23 Q. And if those pills are lost, that</p> <p>24 means they're unaccounted for in some way,</p>

<p style="text-align: right;">Page 222</p> <p>1 shape or form, correct?</p> <p>2 MR. BUSH: Objection.</p> <p>3 A. I don't know.</p> <p>4 Q. And as CVS DEA Compliance Coordinator,</p> <p>5 you don't know whether or not a 68,000</p> <p>6 hydrocodone pill loss should be reported to</p> <p>7 the DEA?</p> <p>8 A. I don't enough information --</p> <p>9 MR. BUSH: Objection.</p> <p>10 A. -- to -- to know.</p> <p>11 BY MR. BAKER:</p> <p>12 Q. Well, in 2013, when this occurred,</p> <p>13 were you the CVS DEA Compliance Coordinator in</p> <p>14 corporate headquarters?</p> <p>15 A. I was the CVS DEA Compliance</p> <p>16 Coordinator, yes.</p> <p>17 Q. And was this brought to your attention</p> <p>18 by anybody, that there was a 68,000</p> <p>19 hydrocodone pill loss?</p> <p>20 A. Not that I recall.</p> <p>21 MR. BUSH: Objection.</p> <p>22 BY MR. BAKER:</p> <p>23 Q. If this had been brought to your</p> <p>24 attention, would you have reported it to the</p>	<p style="text-align: right;">Page 224</p> <p>1 BY MR. BAKER:</p> <p>2 Q. If this happened today and you were</p> <p>3 the CVS DEA Compliance Coordinator, would you</p> <p>4 report it to the DEA?</p> <p>5 MR. BUSH: Objection.</p> <p>6 A. I don't know the circumstances</p> <p>7 surrounding it, if it's reportable or not.</p> <p>8 BY MR. BAKER:</p> <p>9 Q. A 68,000 hydrocodone pill loss,</p> <p>10 irrespective of circumstances, if they remain</p> <p>11 lost and unaccounted for, that is something</p> <p>12 that you should report to the DEA; am I</p> <p>13 correct?</p> <p>14 MR. BUSH: Objection.</p> <p>15 A. If I had the correct information and</p> <p>16 knew what I was reporting, yes, potentially it</p> <p>17 would be reported. I don't know the</p> <p>18 circumstances.</p> <p>19 BY MR. BAKER:</p> <p>20 Q. Who, if anybody, within CVS, CVS</p> <p>21 corporate, CVS Pharmacy, or any other portion</p> <p>22 of CVS, whether it be the distribution centers</p> <p>23 or any other entity of CVS, reported this</p> <p>24 68,000 hydrocodone pill lost to the DEA?</p>
<p style="text-align: right;">Page 223</p> <p>1 DEA as CVS DEA Compliance Coordinator?</p> <p>2 MR. BUSH: Objection.</p> <p>3 A. I don't know the circumstances.</p> <p>4 BY MR. BAKER:</p> <p>5 Q. If the pills remained unaccounted</p> <p>6 for -- that means lost -- would you, as CVS</p> <p>7 DEA Compliance Coordinator, have an obligation</p> <p>8 to report that to the drug enforcement agency</p> <p>9 of the United States of America, yes or no?</p> <p>10 MR. BUSH: Objection.</p> <p>11 A. My position -- at the time I didn't</p> <p>12 work with the stores directly.</p> <p>13 BY MR. BAKER:</p> <p>14 Q. But you're the CVS DEA Compliance</p> <p>15 Coordinator. If this had been brought to your</p> <p>16 attention and nobody else within CVS had</p> <p>17 reported it up until the time that you became</p> <p>18 knowledgeable of it, would you, in carrying</p> <p>19 out your duties as CVS DEA Compliance</p> <p>20 Coordinator, feel an obligation to report it</p> <p>21 to the DEA, yes or no?</p> <p>22 MR. BUSH: Objection.</p> <p>23 A. I can't say what I would have done</p> <p>24 then. I don't know.</p>	<p style="text-align: right;">Page 225</p> <p>1 A. I do not know.</p> <p>2 MR. BUSH: Objection.</p> <p>3 BY MR. BAKER:</p> <p>4 Q. Let's go to the next numbered exhibit,</p> <p>5 No. 76.</p> <p>6</p> <p>7 (Exhibit No. 76 marked for</p> <p>8 identification.)</p> <p>9</p> <p>10 BY MR. BAKER:</p> <p>11 Q. Now, do you remember, back when I</p> <p>12 showed you the logistics planning update,</p> <p>13 and -- there was consideration in the prior</p> <p>14 document -- that is Exhibit No. 45 -- that May</p> <p>15 13, 2013, there was consideration for putting</p> <p>16 into the SOM -- into the future SOM, a process</p> <p>17 for monitoring outside vendor orders? Do you</p> <p>18 remember that?</p> <p>19 A. Yes.</p> <p>20 Q. Now, fast-forward to February 10 of</p> <p>21 2014. And this is the document that you're</p> <p>22 looking at right now, marked Exhibit No. 76,</p> <p>23 that begins with Bates number 59258 through</p> <p>24 Bates number 59260, correct?</p>

<p style="text-align: right;">Page 226</p> <p>1 A. Yes.</p> <p>2 Q. Turn to page 2 of that document,</p> <p>3 because this is a string of e-mails. I'd like</p> <p>4 you to go down to the bottom of page 2, and</p> <p>5 the top of page 3, okay?</p> <p>6 At the bottom of page 2, it says from</p> <p>7 Caitlyn Batty, B-a-t-t-y, to Dean Vanelli,</p> <p>8 Craig Schiavo, Noah Zimmerman, and Amy</p> <p>9 Propatier. That's you, right?</p> <p>10 A. Uh-huh.</p> <p>11 Q. Yes?</p> <p>12 A. Yes.</p> <p>13 Q. February 5, 2014, "I think the SOP</p> <p>14 looks good. I just had a couple of comments.</p> <p>15 Please see attached."</p> <p>16 That's what it says, correct?</p> <p>17 MR. BUSH: I think you misspoke</p> <p>18 about who that's from. You said from Batty.</p> <p>19 It's from Vanelli, right?</p> <p>20 THE WITNESS: This one,</p> <p>21 Caitlyn.</p> <p>22 MR. BAKER: No. It's from</p> <p>23 Caitlyn Batty. I'm looking right here.</p> <p>24 MR. BUSH: Maybe I'm on the</p>	<p style="text-align: right;">Page 228</p> <p>1 A. Correct.</p> <p>2 Q. Okay. And you're familiar with the</p> <p>3 fact that in 2014 there was an update of the</p> <p>4 SOM inserted into the SOP once again; is that</p> <p>5 correct?</p> <p>6 MR. BUSH: February of '14.</p> <p>7 A. February of 2014?</p> <p>8 BY MR. BAKER:</p> <p>9 Q. Yes, ma'am.</p> <p>10 That's what this is discussing and</p> <p>11 that's what's being done, right?</p> <p>12 A. I don't recall it.</p> <p>13 Q. At the time were you CVS DEA</p> <p>14 Compliance Coordinator or not?</p> <p>15 A. At this time I was transitioning to</p> <p>16 another position.</p> <p>17 Q. Well, you're included on the e-mail?</p> <p>18 A. Yes, I'm on the e-mail.</p> <p>19 Q. So if you're included on the e-mail,</p> <p>20 you presume that you're familiar with it,</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 MR. BUSH: Objection.</p> <p>24 A. I don't recall this e-mail.</p>
<p style="text-align: right;">Page 227</p> <p>1 wrong page.</p> <p>2 THE WITNESS: Second page.</p> <p>3 MR. BUSH: I've got it. I'm</p> <p>4 sorry, I apologize.</p> <p>5 BY MR. BAKER:</p> <p>6 Q. I stated it correctly. This is from</p> <p>7 Caitlyn Batty to Dean Vanelli, Craig Schiavo,</p> <p>8 Noah Zimmerman, and Amy Propatier. That's</p> <p>9 you, correct?</p> <p>10 A. Correct.</p> <p>11 Q. And this is February 5, 2014, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And what you're discussing here,</p> <p>14 throwing around with each other in these</p> <p>15 e-mails, is the SOM SOP on an updated basis</p> <p>16 that's going to be posted to the portal in</p> <p>17 February of 2014, correct?</p> <p>18 A. I believe so.</p> <p>19 Q. Well, that's what it says. If you</p> <p>20 look right above there, it says, "Regarding</p> <p>21 SOM SOP for posting to the portal," correct?</p> <p>22 A. Correct.</p> <p>23 Q. And that's what this is discussing,</p> <p>24 correct?</p>	<p style="text-align: right;">Page 229</p> <p>1 BY MR. BAKER:</p> <p>2 Q. But did you review the SOM that was to</p> <p>3 be inserted into the SOP on an updated basis</p> <p>4 in February of 2014 as reflected in this</p> <p>5 e-mail?</p> <p>6 A. I don't recall.</p> <p>7 Q. Well, then let's take a look. If you</p> <p>8 continue down the bottom of the page, it</p> <p>9 says -- there's an e-mail sent from Dean</p> <p>10 Vanelli to Craig Schiavo, Noah Zimmerman, and</p> <p>11 Amy Propatier, which is you, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And it's regarding SOM SOP for posting</p> <p>14 to P and P portal, correct?</p> <p>15 A. Correct.</p> <p>16 Q. P and P portal is CVS's policies and</p> <p>17 procedures portal, correct?</p> <p>18 A. Correct.</p> <p>19 Q. And it says here, at the top of the</p> <p>20 next page, "Please review and provide Noah</p> <p>21 with feedback." Then it says -- and let's</p> <p>22 highlight this sentence please.</p> <p>23 It says, "We should ensure there is no</p> <p>24 mention of OV orders as suspicious,"</p>

<p style="text-align: right;">Page 230</p> <p>1 correct?</p> <p>2 A. That's what it says.</p> <p>3 Q. And this is something that -- you were</p> <p>4 a party to this e-mail; is that correct?</p> <p>5 A. I don't recall this e-mail.</p> <p>6 Q. Well, aren't you a party on the</p> <p>7 e-mail, Ms. Amy Propatier?</p> <p>8 A. I'm on the e-mail.</p> <p>9 Q. At the time were you DEA Compliance</p> <p>10 Coordinator for CVS?</p> <p>11 A. I believe I may have been.</p> <p>12 Q. And at the time did you -- did you</p> <p>13 condone, as CVS DEA Compliance Coordinator,</p> <p>14 the notion that, as indicated in this e-mail,</p> <p>15 CVS should ensure there's no mention of</p> <p>16 outside -- outside vendor orders as</p> <p>17 suspicious? Do you agree with that?</p> <p>18 MR. BUSH: Objection.</p> <p>19 A. I don't recall this.</p> <p>20 Q. Do you agree that that is a position</p> <p>21 that should be taken by a CVS DEA Compliance</p> <p>22 Coordinator, that "We should ensure there is</p> <p>23 no mention of outside vendor orders as</p> <p>24 suspicious"?</p>	<p style="text-align: right;">Page 232</p> <p>1 Q. When did you take the last name</p> <p>2 Propatier?</p> <p>3 A. May of 2008.</p> <p>4 Q. So any time in these e-mails we see</p> <p>5 the name Amy Lynn Brown up to that date, it's</p> <p>6 you. And then after that date, it's Amy</p> <p>7 Propatier, correct?</p> <p>8 A. Correct.</p> <p>9 Q. So in 2008, when you received this</p> <p>10 from Ron Buzzeo, you were the CVS DEA</p> <p>11 Compliance Coordinator, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And that's why Mr. Buzzeo was</p> <p>14 communicating with you, correct?</p> <p>15 MR. BUSH: Objection.</p> <p>16 A. I can't answer that. I don't know why</p> <p>17 he sent it.</p> <p>18 BY MR. BAKER:</p> <p>19 Q. Mr. Buzzeo on the company that -- or</p> <p>20 strike that.</p> <p>21 Mr. Buzzeo was affiliated with the</p> <p>22 company that CVS had hired to help write</p> <p>23 suspicious order monitoring policies, correct?</p> <p>24 A. I don't know specifically what he was</p>
<p style="text-align: right;">Page 231</p> <p>1 MR. BUSH: Objection.</p> <p>2 A. I can't answer that because I don't</p> <p>3 know the context.</p> <p>4 BY MR. BAKER:</p> <p>5 Q. Well, you're on the e-mail, so I'm</p> <p>6 asking you the context.</p> <p>7 A. I don't recall the e-mail.</p> <p>8</p> <p>9 (Exhibit No. 102 marked for</p> <p>10 identification.)</p> <p>11</p> <p>12 BY MR. BAKER:</p> <p>13 Q. Next is Exhibit No. 102. It is an</p> <p>14 e-mail from Ron Buzzeo to Amy Lynn Brown dated</p> <p>15 2/21/08. It begins with Bates number 91508.</p> <p>16 It has an attachment of a DEA letter dated</p> <p>17 September 27, 2006. And the last page on the</p> <p>18 Bates is 91518. Could you take a look at</p> <p>19 that, please?</p> <p>20 Now, this is an e-mail that is dated</p> <p>21 2/21/08 from Ron Buzzeo to Amy Lynn Brown.</p> <p>22 That would be your last name at the time this</p> <p>23 e-mail was written, correct?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 233</p> <p>1 hired for. I can't speak to what he was</p> <p>2 specifically hired for.</p> <p>3 Q. The e-mail says, "Amy, as we</p> <p>4 discussed, I've attached the DEA letters that</p> <p>5 address suspicious orders. The letter dated</p> <p>6 12/07 is especially interesting."</p> <p>7 And, of course, we've already gone</p> <p>8 over the letter dated 12 of '07 because that's</p> <p>9 the one that we previously went over, December</p> <p>10 27, 2007. But there's also one dated February</p> <p>11 7, 2007 and there's also one dated September</p> <p>12 27, 2006 attached to this e-mail, correct?</p> <p>13 A. Correct.</p> <p>14 Q. So let's just get it straight. There</p> <p>15 are three letters from the DEA attached to</p> <p>16 this e-mail dated 2/21 of 2008 from Ron Buzzeo</p> <p>17 to you, correct?</p> <p>18 A. Correct.</p> <p>19 Q. And those letters sequentially are</p> <p>20 dated September 27, 2006 -- that's the first</p> <p>21 letter. The second letter is dated February</p> <p>22 7, 2007 and the third letter is dated December</p> <p>23 27, 2007, correct?</p> <p>24 A. Correct.</p>

Page 234

1 Q. So we know that the CVS DEA Compliance
2 Coordinator, which is you, was aware of the
3 contents of all three of these letters from
4 the DEA that are dated as such, correct?
5 MR. BUSH: Objection.
6 A. I don't recall seeing this.
7 BY MR. BAKER:
8 Q. Well, they were sent to you to read,
9 correct?
10 MR. BUSH: Objection.
11 A. They were -- sorry, they were sent to
12 me. I can't recall if -- what I did or if I
13 read them.
14 Q. If you had received these letters from
15 the DEA, at least from Mr. Buzzeo, these -- he
16 sent you these DEA letters on 2/21/08. And at
17 the time you were CVS DEA Compliance
18 Coordinator, didn't you have a duty to read
19 these letters?
20 MR. BUSH: Objection.
21 A. I can't answer if I did have a duty.
22 I don't -- I don't know if I did.
23 Q. Didn't you part as the -- as part of
24 your job have an obligation to make it your

Page 235

1 business to read these letters from the DEA
2 that were being sent to you by Mr. Buzzeo?
3 MR. BUSH: Objection.
4 A. I don't recall receiving this e-mail.
5 BY MR. BAKER:
6 Q. Okay. Did these letters just have of
7 no concern to you?
8 MR. BUSH: Objection.
9 A. I don't remember this e-mail, so I
10 don't know if they were of concern to me.
11 BY MR. BAKER:
12 Q. Have you ever seen these three letters
13 before?
14 A. I mean, I saw one earlier. I don't --
15 I don't recall seeing them.
16 Q. Okay. Well, let's just go over them,
17 if we could, beginning with the letter dated
18 September 26, of 2007. It talks about the
19 background on the first page. We go to
20 background and we'll go to Paragraph 2 and
21 talk about what the purpose of the Controlled
22 Substances Act is.
23 If you highlight under background --
24 Paragraph 2 starts with "thus CSA." We're

Page 236

1 looking at the letter dated September 27,
2 2006. I'm going to read this to you and I
3 want you to tell me if I've accurately stated
4 what this letter says.
5 It says, "Background: The CSA was
6 designed by congress to combat diversion by
7 providing for a closed system of drug
8 distribution in which all legitimate handlers
9 of controlled substances must obtain a DEA
10 registration and as a condition of maintaining
11 such registration must take reasonable steps
12 to ensure that the registration is not being
13 utilized as a source of diversion."
14 Isn't that what it says?
15 A. Yes.
16 Q. So you know from reading this, you're
17 informed by reading this, that the purpose of
18 the Controlled Substances Act is, in part, to
19 prevent diversion of narcotics, correct?
20 MR. BUSH: Objection.
21 BY MR. BAKER:
22 Q. You know that from reading this,
23 right?
24 MR. BUSH: Objection.

Page 237

1 A. (Witness reviews document.)
2 Yes. From reading this, it says that.
3 BY MR. BAKER:
4 Q. And this is something that was
5 available for you to read, whether you did or
6 not, when it was sent to you February 21 of
7 2008, correct?
8 A. I don't recall it.
9 Q. Go to the next page of that letter.
10 And about halfway down it begins with, "The
11 DEA regulations require." If you could
12 highlight that in the subparagraph right below
13 it.
14 This says, "The DEA regulations
15 require all distributors to report suspicious
16 orders of controlled substances, specifically
17 the regulations within 21 CFR 1301.74 B, the
18 registrant shall design and operate a system
19 to disclose to the registrant suspicious
20 orders of controlled substances. The
21 registrant shall inform the field division
22 office of the administration in his area of
23 suspicious orders when discovered by the
24 registrant. Suspicious orders include orders

<p style="text-align: right;">Page 238</p> <p>1 of unusual size, orders deviating</p> <p>2 substantially from a normal pattern, and</p> <p>3 orders of unusual frequency."</p> <p>4 That's what that letter says,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. And so it gives you a clear definition</p> <p>8 of what a suspicious order is, correct?</p> <p>9 MR. BUSH: Objection.</p> <p>10 A. It gives a definition, yes.</p> <p>11 Q. Okay. And the definition that they</p> <p>12 gave you is that suspicious orders include</p> <p>13 orders of unusual size, orders deviating</p> <p>14 substantially from a normal pattern, and</p> <p>15 orders of unusual frequency, correct?</p> <p>16 A. Correct.</p> <p>17 Q. So tell me, how was it that you, as</p> <p>18 CVS DEA Compliance Coordinator, defined a</p> <p>19 suspicious order in the context of suspicious</p> <p>20 order monitoring?</p> <p>21 MR. BUSH: Objection.</p> <p>22 A. What was your question?</p> <p>23 BY MR. BAKER:</p> <p>24 Q. Tell me how you, as CVS DEA Compliance</p>	<p style="text-align: right;">Page 240</p> <p>1</p> <p>2 BY MR. BAKER:</p> <p>3 Q. And it's CVS Bates number 57736</p> <p>4 through 57738. Please review that with me.</p> <p>5 Now, this is an e-mail from Frank</p> <p>6 Devlin who, at the time this was written in</p> <p>7 May of 2011, held what position with CVS?</p> <p>8 A. I believe he was the Director of Loss</p> <p>9 Prevention.</p> <p>10 Q. And Judith Hughes, who at the time</p> <p>11 this was written, held what position with CVS?</p> <p>12 A. I do not know what her exact position</p> <p>13 was. I believe she worked in loss prevention</p> <p>14 also.</p> <p>15 Q. Okay. If you could highlight on the</p> <p>16 next page -- is it already highlighted under</p> <p>17 "process of identifying suspicious order"?</p> <p>18 This is -- if you look at the top,</p> <p>19 it's talking about the components of control</p> <p>20 IRR report, correct?</p> <p>21 A. That's what it says yes.</p> <p>22 Q. Do you even know what a control IRR</p> <p>23 report is?</p> <p>24 A. I've never seen one, that I can</p>
<p style="text-align: right;">Page 239</p> <p>1 Coordinator, defined a suspicious order within</p> <p>2 the CVS suspicious order monitoring system</p> <p>3 while you were in your role as CVS DEA</p> <p>4 Compliance Coordinator.</p> <p>5 MR. BUSH: Objection.</p> <p>6 A. I did not work with the SOM system.</p> <p>7 BY MR. BAKER:</p> <p>8 Q. As CVS DEA Compliance Coordinator, are</p> <p>9 you telling me you had nothing at all to do</p> <p>10 with the SOM system?</p> <p>11 A. Correct.</p> <p>12 Q. You're the one that implemented it.</p> <p>13 You're the one that put it into the SOP, am I</p> <p>14 right, 8/25 of '10, right?</p> <p>15 A. I did not implement the system. I put</p> <p>16 the document on SOM into the SOP.</p> <p>17 Q. This definition of suspicious order,</p> <p>18 it's discussed by CVS in what I'm going to</p> <p>19 mark as Exhibit No. 68 which is an e-mail</p> <p>20 dated 5/6/2011 from Frank Devlin to Judy</p> <p>21 Hughes.</p> <p>22</p> <p>23 (Exhibit No. 68 marked for</p> <p>24 identification.)</p>	<p style="text-align: right;">Page 241</p> <p>1 recall.</p> <p>2 Q. As CVS DEA Compliance Coordinator, at</p> <p>3 that time were you ever presented with what a</p> <p>4 control IRR report was or what it looked</p> <p>5 like?</p> <p>6 A. Not that I recall.</p> <p>7 Q. As CVS DEA Compliance Coordinator,</p> <p>8 were you familiar with what the process of</p> <p>9 identifying suspicious orders was at CVS?</p> <p>10 A. No, not that I recall.</p> <p>11 Q. Let me read it to you.</p> <p>12 It says, "Process of identifying</p> <p>13 suspicious orders: In order to determine</p> <p>14 which items on the control IRR report are</p> <p>15 suspicious, the orders-quantity field is</p> <p>16 observed by the DC IRR analyst for a quantity</p> <p>17 ordered of ten or more. The month-to-date</p> <p>18 field is then observed and compared to LAGs 1,</p> <p>19 2, and 3. If the month-to-date quantity is at</p> <p>20 least three times greater than the quantities</p> <p>21 in LAGs 1, 2 or 3, then that item is labeled</p> <p>22 as being suspicious."</p> <p>23 Did I read that correct?</p> <p>24 A. You did.</p>

<p style="text-align: right;">Page 242</p> <p>1 Q. So the way it was defined by CVS at 2 this time, according to this document, if the 3 month-to-date quantity at least three times 4 greater than the quantities in LAGs 1, 2 or 3, 5 three times greater, then that item is labeled 6 as being suspicious; is that correct? 7 MR. BUSH: Objection. 8 A. That's what this says. 9 BY MR. BAKER: 10 Q. Now, go to the paragraph above that, 11 where it describes what a LAG is. If you look 12 at the last two sentences of the components of 13 the control IRR report, it says, "The 14 month-to-date order quantity states the amount 15 of the item in question ordered during the 16 current month. LAG 1 is the amount ordered 17 the month before, LAG 2 is the amount ordered 18 two months before, and LAG 3 is the amount 19 ordered three months before." 20 Is that what it states? 21 A. That's what it says. 22 Q. So now you know what LAGs are, 23 correct? 24 MR. BUSH: Objection.</p>	<p style="text-align: right;">Page 244</p> <p>1 A. I see a definition for LAG. I don't 2 see it saying it's CVS. 3 BY MR. BAKER: 4 Q. I want you to assume that this is a 5 CVS document, okay? 6 A. Uh-huh. 7 Q. Assume that that definition -- LAG 1 8 is the amount ordered the month before, LAG 2 9 is the amount ordered two months before, and 10 LAG 3 is the amount ordered three months 11 before. 12 A. Uh-huh. 13 Q. If you assume this is a CVS document, 14 then that gives you the definition of what 15 LAGs are as it relates to CVS and the IRR 16 report, correct? 17 MR. BUSH: Objection. 18 A. According to this, yes. 19 BY MR. BAKER: 20 Q. Okay. And then the next paragraph 21 tells you how LAGs are used in order to 22 determine what is or is not a suspicious order 23 by definition within CVS, correct? 24 MR. BUSH: Objection.</p>
<p style="text-align: right;">Page 243</p> <p>1 BY MR. BAKER: 2 Q. You know what they are from reading 3 this now? 4 MR. BUSH: Objection. 5 A. All I know is this saying -- is LAG. 6 Q. Right. And this a CVS document, 7 correct? 8 A. I can't say for sure, but... 9 Q. Well, let's say this: It has CVS 10 Bates number written on it and it's also 11 attached to a CVS e-mail 5/16/2011 from Frank 12 Devlin to Judith Hughes, correct? 13 A. It's -- yeah, it's an e-mail from 14 Frank to Judy. 15 Q. Right. And this is the attachment to 16 it, correct? 17 A. Yeah. 18 Q. Okay. And so you know from at least 19 two people inside of CVS who hold positions 20 that deal with these issues of an IRR and a 21 suspicious order that there's been a 22 definition of LAG laid out for you in writing 23 right there, correct? 24 MR. BUSH: Objection.</p>	<p style="text-align: right;">Page 245</p> <p>1 BY MR. BAKER: 2 Q. Do you not know the answer to that 3 question? 4 MR. BUSH: Objection. 5 A. Yeah, I'm not familiar with this, 6 so -- 7 BY MR. BAKER: 8 Q. Well, let's get familiar. Okay. It 9 says, "The month-to-date field is then 10 observed and compared to LAGs 1, 2 and 3. If 11 the month-to-date quantity is at least three 12 times greater than the quantities in LAGs 1, 2 13 or 3, then that item is labeled as being 14 suspicious." 15 Do you understand those words? 16 A. Yes. 17 MR. BUSH: Objection. 18 BY MR. BAKER: 19 Q. Do you comprehend those words? 20 MR. BUSH: Objection. 21 A. Yes. 22 BY MR. BAKER: 23 Q. Okay. Do you understand that is how 24 CVS defined a suspicious order within its</p>

<p style="text-align: right;">Page 246</p> <p>1 system at the time this was written? Do you</p> <p>2 understand that --</p> <p>3 MR. BUSH: Objection.</p> <p>4 BY MR. BAKER:</p> <p>5 Q. -- now?</p> <p>6 MR. BUSH: I'm sorry, objection.</p> <p>7 BY MR. BAKER:</p> <p>8 Q. Yes or no?</p> <p>9 A. No. I don't know if this is how CVS</p> <p>10 identified it. It's not saying it's --</p> <p>11 Q. According to this --</p> <p>12 A. -- the SOP.</p> <p>13 Q. According to this document, that's how</p> <p>14 they defined a suspicious order, correct?</p> <p>15 MR. BUSH: Objection.</p> <p>16 A. I don't know that to be true.</p> <p>17 BY MR. BAKER:</p> <p>18 Q. Well, doesn't the document</p> <p>19 specifically in plain English say it in plain</p> <p>20 words that you understand?</p> <p>21 MR. BUSH: Objection.</p> <p>22 A. I don't see where it says this is the</p> <p>23 CVS policy we're using to identify suspicious</p> <p>24 orders.</p>	<p style="text-align: right;">Page 248</p> <p>1 A. Was I present at the DC?</p> <p>2 Q. When the Indianapolis distribution</p> <p>3 center was visited by the DEA in August of</p> <p>4 2013.</p> <p>5 A. Was I --</p> <p>6 MR. BUSH: Present where?</p> <p>7 A. -- at the distribution center?</p> <p>8 BY MR. BAKER:</p> <p>9 Q. Were you present at the distribution</p> <p>10 center?</p> <p>11 A. No.</p> <p>12 Q. Did you participate in any way with</p> <p>13 the DEA visit to the Indianapolis facility for</p> <p>14 an inspection in August of 2013?</p> <p>15 A. No.</p> <p>16 Q. Were you informed about the results of</p> <p>17 the DEA inspection of the Indianapolis</p> <p>18 facility -- distribution center facility from</p> <p>19 their August 13 visit?</p> <p>20 A. I don't recall.</p> <p>21 Q. Is that something that you, as CVS DEA</p> <p>22 Compliance Coordinator, would expect to be</p> <p>23 informed about?</p> <p>24 A. No.</p>
<p style="text-align: right;">Page 247</p> <p>1 BY MR. BAKER:</p> <p>2 Q. If you assume this is what Frank</p> <p>3 Devlin attached to his e-mail, if you assume</p> <p>4 it's a CVS definition, then that's plain</p> <p>5 English for you to say yes or no. Do you</p> <p>6 understand it, yes or no?</p> <p>7 MR. BUSH: Objection.</p> <p>8 A. If I'm assuming it's an SOP, but it</p> <p>9 doesn't state that this is the operating</p> <p>10 procedure.</p> <p>11 Q. Do you understand the plain English of</p> <p>12 that sentence?</p> <p>13 MR. BUSH: Objection.</p> <p>14 A. I understand the sentence.</p> <p>15 BY MR. BAKER:</p> <p>16 Q. Is there anything ambiguous about that</p> <p>17 sentence to you?</p> <p>18 A. No, I understand the sentence.</p> <p>19 MR. BUSH: Objection.</p> <p>20 BY MR. BAKER:</p> <p>21 Q. Okay. Thank you. So let's move on.</p> <p>22 Were you present at the time the</p> <p>23 Indianapolis facility was visited by the DEA</p> <p>24 in August of 2013?</p>	<p style="text-align: right;">Page 249</p> <p>1 Q. Let me make sure I understand. The</p> <p>2 DEA, the Drug Enforcement agency, is visiting</p> <p>3 a distribution center of a -- of CVS. At the</p> <p>4 time they're visiting the distribution center</p> <p>5 of CVS, you are CVS DEA Compliance</p> <p>6 Coordinator. Are you telling me that you</p> <p>7 don't have any knowledge of that or that</p> <p>8 you're not informed of it?</p> <p>9 A. I may have been informed that there</p> <p>10 was someone auditing on-site, but I wasn't</p> <p>11 involved in audits. It wasn't my area of</p> <p>12 responsibility.</p> <p>13 Q. Were you involved, as CVS DEA</p> <p>14 Compliance Coordinator, with trying to</p> <p>15 understand the results of that visit?</p> <p>16 A. No, I was not.</p> <p>17 Q. Was that of no concern to you as DEA</p> <p>18 Compliance Coordinator?</p> <p>19 A. It wasn't in my responsibilities.</p> <p>20 Q. Isn't the DEA visiting these</p> <p>21 facilities to determine compliance, or lack</p> <p>22 thereof, with DEA regulations?</p> <p>23 A. Was it my responsibility?</p> <p>24 Q. Isn't that something the DEA is doing</p>

Page 250	Page 252
<p>1 when they're visiting these facilities?</p> <p>2 A. Is the DEA looking at compliance?</p> <p>3 Q. Yes.</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And you are the DEA Compliance</p> <p>6 Coordinator at the time, correct?</p> <p>7 A. Yes, that was my title.</p> <p>8 Q. But you're neither there at the time</p> <p>9 the compliance visit is going on, correct?</p> <p>10 A. Correct.</p> <p>11 Q. Nor are you informed of the results of</p> <p>12 the compliance visit, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Nor did you even seek to try to</p> <p>15 determine the results of the DEA compliance</p> <p>16 visit, correct?</p> <p>17 A. Not that I recall.</p> <p>18 Q. Now, these DEA compliance visits don't</p> <p>19 occur every year, do they?</p> <p>20 A. No. I believe they're random.</p> <p>21 Q. The last time the Indianapolis</p> <p>22 distribution center had been visited by the</p> <p>23 DEA for a compliance visit before August 2013</p> <p>24 was three years earlier, in 2010, correct?</p>	<p>1 Q. So let me have you review Exhibit 103</p> <p>2 with me, if you would.</p> <p>3</p> <p>4 (Exhibit No. 103 marked for</p> <p>5 identification.)</p> <p>6</p> <p>7 BY MR. BAKER:</p> <p>8 Q. This is an e-mail dated May 15, 2014</p> <p>9 from Andy Echt (phonetic) to John Mortelliti</p> <p>10 and Brian Morrison and Jerome Kerry (phonetic)</p> <p>11 and several other people on copy. Do you see</p> <p>12 that?</p> <p>13 A. Yes, I do.</p> <p>14 Q. Those are all CVS employees, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And this deals with DEA closing</p> <p>17 remarks relative to the DEA visit back in</p> <p>18 August of 2013, correct?</p> <p>19 A. That's what it says, yes.</p> <p>20 Q. And it says -- starts out, "Today, May</p> <p>21 15, 2014, Dan Gillen, supervisor" -- that's</p> <p>22 DEA supervisor, correct?</p> <p>23 A. I believe so.</p> <p>24 Q. -- "and Andrew Radcliffe,</p>
Page 251	Page 253
<p>1 MR. BUSH: Objection.</p> <p>2 A. I don't recall.</p> <p>3 BY MR. BAKER:</p> <p>4 Q. About the time this August 2013 visit</p> <p>5 was going on, this is the time that you, as</p> <p>6 DEA Compliance Coordinator, was attempting to</p> <p>7 insert the SOM into the SOP for the first</p> <p>8 time; is that correct?</p> <p>9 MR. BUSH: Objection.</p> <p>10 A. I don't recall.</p> <p>11 BY MR. BAKER:</p> <p>12 Q. You don't recall if it was done as</p> <p>13 either a tool or a prop? You remember that</p> <p>14 e-mail?</p> <p>15 A. I don't recall.</p> <p>16 Q. You don't recall whether or not you</p> <p>17 were attempting to do it to make it look like</p> <p>18 it had been in existence and had been used as</p> <p>19 a tool at the time this August 2013 inspection</p> <p>20 was going on by the DEA? You don't recall</p> <p>21 that?</p> <p>22 MR. BUSH: Objection.</p> <p>23 A. No, I don't recall that.</p> <p>24 BY MR. BAKER:</p>	<p>1 investigator" -- that's DEA investigator,</p> <p>2 correct?</p> <p>3 A. I believe so.</p> <p>4 Q. -- "came in Indi to do their closing,"</p> <p>5 correct?</p> <p>6 A. That's what it says, yes.</p> <p>7 Q. Look down under the area of suspicious</p> <p>8 order monitoring at the bottom. Would you</p> <p>9 take a look at that?</p> <p>10 A. Yes.</p> <p>11 Q. Could you highlight that, those two</p> <p>12 bullets, for me, please?</p> <p>13 It says, "Suspicious order monitoring,</p> <p>14 DEA thought this process was not sufficient."</p> <p>15 Isn't that correct?</p> <p>16 A. That's what it says.</p> <p>17 Q. And this is the suspicious order</p> <p>18 monitoring process that you put into the SOP</p> <p>19 as a written policy beginning 8/25 of 2013,</p> <p>20 correct?</p> <p>21 MR. BUSH: Objection.</p> <p>22 A. I cannot speak to it that's what</p> <p>23 they're referring to, but...</p> <p>24 BY MR. BAKER:</p>

<p style="text-align: right;">Page 254</p> <p>1 Q. Well, we're talking about a visit in 2 August of 2013 and we're talking about the SOM 3 that you put into the SOP -- inserted into the 4 SOP August 25 2013, correct? 5 MR. BUSH: Objection. 6 A. I updated the SOP in 2013. 7 BY MR. BAKER: 8 Q. Did you insert the SOM into the SOP 9 August 25, 2013, yes or no? 10 A. Yes. 11 MR. BUSH: Objection. 12 BY MR. BAKER: 13 Q. Yes, you did, correct? 14 A. Uh-huh, yes. 15 Q. And it -- what they're saying is that 16 the DEA thought this process was not 17 sufficient, correct, because they're looking 18 at it and doing closing remarks many months 19 later, in 2014, correct? 20 A. Yes. 21 Q. Okay. By that time, there's been an 22 opportunity to go see whether or not this is a 23 tool or whether or not it is a prop, 24 correct?</p>	<p style="text-align: right;">Page 256</p> <p>1 Q. Was your title a tool or a prop? 2 MR. BUSH: Objection. 3 A. It was a tool. 4 BY MR. BAKER: 5 Q. And how did you use that tool, as DEA 6 Compliance Coordinator, to monitor suspicious 7 orders? How did you personally use that tool 8 to monitor suspicious orders? 9 MR. BUSH: Objection. 10 A. I was not responsible for suspicious 11 orders. 12 Q. So in actuality, calling you DEA 13 Compliance Coordinator was really a prop, was 14 it not? 15 A. No. 16 MR. BUSH: Objection. 17 A. It was not. 18 MR. BUSH: Please give me time 19 to object. 20 THE WITNESS: Sorry, sorry. 21 BY MR. BAKER: 22 Q. What they said in this document at the 23 bottom -- these are people from CVS -- they 24 said, "Suspicious order monitoring, DEA</p>
<p style="text-align: right;">Page 255</p> <p>1 MR. BUSH: Objection. 2 A. I'm sorry, I don't understand your 3 question. 4 BY MR. BAKER: 5 Q. Do you remember that e-mail about the 6 tool versus the prop? Do you remember that? 7 A. Yes. 8 Q. And the context of whether or not this 9 SOM being inserted into the SOP, as timely as 10 it was around the time that this August visit 11 is going on by the DEA, was actually a tool or 12 a prop? Do you remember that? 13 MR. BUSH: Objection. 14 BY MR. BAKER: 15 Q. Do you remember that e-mail? 16 MR. BUSH: Objection. 17 A. I don't remember the tool or the prop 18 referring to the SOM process. I remember the 19 tool or the prop as in regards to you saying 20 my title. 21 Q. That, too. 22 MR. BUSH: Objection. 23 A. I don't remember the SOM part. 24 BY MR. BAKER:</p>	<p style="text-align: right;">Page 257</p> <p>1 thought this process was not sufficient." 2 Correct? 3 A. That's what it says. 4 Q. It talks about -- they question -- 5 "There's a question on the number of inventory 6 that leaves our facility." Correct? 7 A. Yes, that's what it says. 8 Q. And then on the next page, if you 9 highlight that bullet, it says, "Concerned 10 that their office did not receive any 11 communication of suspicious ordering in the 12 last three years." Is that correct? 13 A. That's what it says. 14 Q. Let's move on to the next one please. 15 Now, you remember in this last exhibit 16 I -- No. 103, there were questions on the 17 number of inventory that leaves the facility, 18 correct? 19 A. Yes. 20 Q. That would deal with quantity of 21 narcotic drugs, correct? 22 A. I believe that's what they're 23 referring to. 24 Q. So let's look at that. This is a</p>

Page 258

1 document that I'll mark as Exhibit No. 34.
 2
 3 (Exhibit No. 34 marked for
 4 identification.)
 5
 6 BY MR. BAKER:
 7 Q. It is Bates numbered 10529 through
 8 10532. And these are CVS documents because
 9 they're Bates-stamped as such. You recognize
 10 that, correct?
 11 MR. BUSH: Recognize what?
 12 A. The document or the stamp?
 13 BY MR. BAKER:
 14 Q. The CVS stamp at the bottom?
 15 A. Yeah. The stamp, yes.
 16 Q. And you know that to mean that these
 17 document were produced to the plaintiffs
 18 counsel during the discovery phase of this
 19 cases in response to our request for
 20 production? You know that, right?
 21 A. Yes.
 22 Q. So the U.S. Department of Justice, DEA
 23 employees, the investigators and supervisor
 24 and diversion investigator who came to the

Page 259

1 Indianapolis facility, their cards are
 2 attached to that first page of that document,
 3 correct?
 4 A. Correct.
 5 Q. And then these are handwritten notes,
 6 correct?
 7 A. Correct.
 8 Q. And it talks about -- this is being
 9 generated by a CVS employee, correct?
 10 MR. BUSH: Objection.
 11 A. I can't tell from this.
 12 MR. BUSH: What's the date of
 13 this?
 14 THE WITNESS: 5/14/14.
 15 MR. BAKER: 5/14/14, consistent
 16 with when the closing was done that we
 17 discussed in just the prior e-mail.
 18 BY MR. BAKER:
 19 Q. You remember the closing remarks?
 20 A. Yes.
 21 Q. So I'd like you to look at the last
 22 page of those closing notes where at the top,
 23 it says, "SOM."
 24 Do you see that?

Page 260

1 A. Yes.
 2 Q. If you highlight where it says,
 3 "quantity going out is concerning."
 4 Do you see that sentence where it
 5 says, "QTY," which is a abbreviation for
 6 quantity, "going out is concerning"?
 7 Do you see that?
 8 A. Yes, I do.
 9 Q. Let's move to the next document.
 10
 11 (Exhibit No. 33 marked for
 12 identification.)
 13
 14 BY MR. BAKER:
 15 Q. This is Exhibit Number -- give me a
 16 second to find the exhibit number. This will
 17 be Exhibit No. 35 -- I'm sorry, it's going to
 18 be Exhibit No. 33.
 19 Are you familiar with the concept of
 20 doing physical inventories of narcotic drugs
 21 at distribution centers?
 22 A. Yes, I'm familiar with the concept.
 23 Q. Is that part of what you do?
 24 A. Did I do physical inventories? No.

Page 261

1 Q. Is that part of your job, to monitor
 2 that, as DEA Compliance Coordinator?
 3 A. No.
 4 Q. If you would go to page 2 of that
 5 document, it is -- at the bottom it is Bates
 6 number 10558. Could you pull that one up,
 7 please?
 8 So if you look at the inventory of CVS
 9 Indiana, that's what this is, CVS Indiana,
 10 LLC. And that's the distribution center that
 11 we're talking about that was being
 12 investigated by the DEA in August of 2013,
 13 correct?
 14 A. Yes, correct.
 15 Q. And that's the one that -- in the
 16 closing statements, there was a suggestion
 17 that there was concern about the quantity of
 18 product leaving that distribution center,
 19 correct?
 20 A. That's --
 21 MR. BUSH: Objection.
 22 BY MR. BAKER:
 23 Q. Yes?
 24 A. That's what the paper said.

<p style="text-align: right;">Page 262</p> <p>1 Q. Yes. And if you look at this quantity 2 of initial inventory beginning in the upper 3 right-hand column on 12/31/05 and -- that's 4 the initial inventory. The ending inventory 5 is 8/28/06. 6 Do you see that? 7 A. Yes. 8 MR. BUSH: Objection. 9 BY MR. BAKER: 10 Q. Do you see that right here? 11 A. Yes. 12 Q. Yes? 13 A. Yes. 14 Q. Okay. It talks about controlled 15 substances hydrocodone 7.5, 500 milligrams, 16 then below that is hydrocodone 10, 650 17 milligrams, both Schedule III narcotics, 18 correct? 19 A. Correct. 20 Q. And it says that there were 1,920 21 bottles of these on hand, 12/31 of '05, 22 correct? 23 MR. BUSH: Objection. 24 A. Yes, that's what it says.</p>	<p style="text-align: right;">Page 264</p> <p>1 two products on hand in the inventory, 2 correct? 3 MR. BUSH: Objection. 4 A. I can't answer that. 5 BY MR. BAKER: 6 Q. Now, let's fast-forward to 2012. 7 In 2012, if you go to the initial 8 inventory, 8/5/12 and then highlight the 9 inventory 8/5/13 and then you follow those 10 columns down sequentially, if you highlight 11 the numbers below 8/25/12 and highlight the 12 numbers below 8/5/13, that's the report -- 13 this is the physical inventory done at CVS 14 Indiana on those dates, correct? 15 MR. BUSH: Objection. 16 BY MR. BAKER: 17 Q. Yes? 18 A. Correct. 19 Q. And it talks about hydrocodone 7.5, 20 325 milligrams, which is Schedule III, that 21 this is -- these are 100-count bottles and 22 that -- at the beginning inventory, 8/25/12, 23 there's 36,187 whereas at the ending 24 inventory, 8/5/13, it's increased to 58,784,</p>
<p style="text-align: right;">Page 263</p> <p>1 BY MR. BAKER: 2 Q. What does COB stand for? 3 A. I don't know. 4 Q. And then it says 3,735 were all of a 5 sudden there on 8/28 of '06, correct? 6 MR. BUSH: Objection. 7 A. Yes. 8 BY MR. BAKER: 9 Q. So roughly double the inventory is 10 there at that point, just from the period of 11 12/31/05 to 8/28/06, correct? 12 MR. BUSH: Objection. 13 A. Yes. 14 BY MR. BAKER: 15 Q. And then it talks about the tablets 16 for hydrocodone 10, 650 milligrams, increasing 17 from 12/31/05, 4,520 bottles to 6,693 bottles, 18 8/28/06, correct? 19 MR. BUSH: Objection. 20 BY MR. BAKER: 21 Q. Correct? 22 A. Yeah. 23 Q. So between '05 and '06, there's a 24 substantial increase in the quantity of those</p>	<p style="text-align: right;">Page 265</p> <p>1 correct? 2 MR. BUSH: Objection. 3 A. That's what it says. 4 BY MR. BAKER: 5 Q. Okay. And then it talks about 6 hydrocodone 5, 325 milligrams. The beginning 7 inventory, 8/25/12 is 26,654 and the ending 8 inventory, 8/5/13, is 101,192 bottles, 9 correct? 10 MR. BUSH: Objection. 11 A. That's what it says. 12 BY MR. BAKER: 13 Q. Then it talks about hydrocodone 10, 14 500 milligrams, there were zero bottles of 15 that at the beginning inventory, 8/25/12, and 16 then 8/5 of '13, there's 6,083 bottles, 17 correct? 18 MR. BUSH: Objection. 19 A. That's what it says. 20 BY MR. BAKER: 21 Q. And this is -- this is the same month 22 that the DEA is paying a visit to the 23 Indianapolis facility saying that these are 24 the inventories of these opioids, correct?</p>

<p style="text-align: right;">Page 266</p> <p>1 MR. BUSH: Which is the same</p> <p>2 month. There's multiple dates on this.</p> <p>3 BY MR. BAKER:</p> <p>4 Q. 8/5 of '13 is August of '13 which is</p> <p>5 the same month we've been talking about that</p> <p>6 the DEA paid Indi a visit, correct?</p> <p>7 A. Yes.</p> <p>8 Q. And so this is the same time frame</p> <p>9 that we're seeing substantial increases in the</p> <p>10 inventory of hydrocodone combination products</p> <p>11 between August of 2012 and August of '13,</p> <p>12 according to this document, correct?</p> <p>13 A. I can't say it's a substantial</p> <p>14 increase.</p> <p>15 Q. Well, it's -- it's a notable increase,</p> <p>16 is it not?</p> <p>17 A. It's an increase. I can't say if it's</p> <p>18 substantial.</p> <p>19 Q. Well, when you increase from zero of</p> <p>20 hydrocodone 10, 500 milligrams -- zero bottles</p> <p>21 to 6,083 bottles, that's a substantial</p> <p>22 increase, is it not?</p> <p>23 A. It may not have been carried in the</p> <p>24 previous year.</p>	<p style="text-align: right;">Page 268</p> <p>1 Q. Let's move to Exhibit No. 92.</p> <p>2</p> <p>3 (Exhibit No. 92 marked for</p> <p>4 identification.)</p> <p>5</p> <p>6 BY MR. BAKER:</p> <p>7 Q. Exhibit No. 92 is an e-mail dated July</p> <p>8 10, 2012 from Pamela Hinkle to Ronald</p> <p>9 McCreery, is that correct? At e-SupplyLink,</p> <p>10 is that correct? With a copy to John Andretti</p> <p>11 and a blind copy to Pamela Hinkle, correct?</p> <p>12 A. Where are we looking?</p> <p>13 Q. Yes, that's the top.</p> <p>14 A. Not on mine. I don't think I have the</p> <p>15 right -- I think I'm missing a page or</p> <p>16 something. Is that the right one?</p> <p>17 MR. BUSH: Maybe --</p> <p>18 MR. BAKER: No, that's the wrong</p> <p>19 one.</p> <p>20 MR. BUSH: I've got the second</p> <p>21 copy of what I think you were intending to</p> <p>22 give her. Do you want to put a mark on it?</p> <p>23 MR. BAKER: Let me do this. I'm</p> <p>24 sorry, let me re-mark it. This is Exhibit 92.</p>
<p style="text-align: right;">Page 267</p> <p>1 Q. When you increase the hydrocodone 5,</p> <p>2 325 milligrams, 100-count bottles from 26,654</p> <p>3 in August of 2012 to a count of 101,192</p> <p>4 bottles in August of 2013, that's a</p> <p>5 substantial increase, is it not?</p> <p>6 A. I can't say if it's substantial. I</p> <p>7 don't know the factors and how many stores</p> <p>8 they're servicing at each time.</p> <p>9 Q. Is this the inventory that was on hand</p> <p>10 when the DEA paid a visit to Indi -- to the</p> <p>11 Indianapolis distribution center in August of</p> <p>12 2013?</p> <p>13 MR. BUSH: Objection.</p> <p>14 A. I can't speak to that. I wasn't</p> <p>15 there.</p> <p>16 BY MR. BAKER:</p> <p>17 Q. The count on that I want to correct</p> <p>18 because I'm looking at the transcript. The</p> <p>19 count of the bottles from 8/25/12 was 26,654</p> <p>20 bottles, the count on 8/5 of 2013 was 101,192</p> <p>21 bottles; is that correct?</p> <p>22 MR. BUSH: Objection.</p> <p>23 A. That's what this says.</p> <p>24 BY MR. BAKER:</p>	<p style="text-align: right;">Page 269</p> <p>1</p> <p>2 BY MR. BAKER:</p> <p>3 Q. If you look at the e-mail at the</p> <p>4 bottom there, it's an e-mail July 10, 2012</p> <p>5 from John Andretti to Pamela Hinkle,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. All right. It says, "There are 18 CVS</p> <p>9 distribution centers. 11 are DEA licensed to</p> <p>10 ship controlled substances III through V. CVS</p> <p>11 does not ship Schedule II products," correct?</p> <p>12 That's what it says?</p> <p>13 A. Correct.</p> <p>14 Q. Then if you turn over to the next</p> <p>15 page, under volume of orders, it says, "Volume</p> <p>16 of orders, Rx controls, Schedule III through V</p> <p>17 and PSE comprises 30,000 to 40,000 line</p> <p>18 items."</p> <p>19 And then it says, "No. 2, front store</p> <p>20 Rx promo, et cetera, total approximately to</p> <p>21 six to eight million records nightly."</p> <p>22 Is that correct?</p> <p>23 A. That's what it says, yes.</p> <p>24 Q. That's what's going on in the</p>

<p style="text-align: right;">Page 270</p> <p>1 distribution centers nightly; is that 2 correct?</p> <p>3 MR. BUSH: Objection.</p> <p>4 A. I can't speak to what this means. 5 BY MR. BAKER:</p> <p>6 Q. It speaks to the volume of the orders 7 that are being processed out of the 8 distribution centers for CVS, does it not?</p> <p>9 MR. BUSH: Objection.</p> <p>10 A. I do not know. 11 BY MR. BAKER:</p> <p>12 Q. Is there any other context that you 13 could take that e-mail other than it speaking 14 to the volume of orders coming out of CVS 15 distribution centers?</p> <p>16 MR. BUSH: Objection. She's not 17 even on this e-mail.</p> <p>18 A. Yeah, I don't know. 19 BY MR. BAKER:</p> <p>20 Q. I know you're not on it. But you're 21 the CVS DEA Compliance Coordinator, so I have 22 a right to ask you questions about the 23 volume --</p> <p>24 A. I don't know what it refers --</p>	<p style="text-align: right;">Page 272</p> <p>1 Q. Then "Rx controls" -- that's drug 2 controls, is that not?</p> <p>3 MR. BUSH: Objection.</p> <p>4 A. I -- assuming that's what they're 5 referring to. 6 BY MR. BAKER:</p> <p>7 Q. Okay. -- "comprises 30 to 40 line 8 items."</p> <p>9 Is that correct?</p> <p>10 MR. BUSH: Objection.</p> <p>11 A. That's what the e-mail says. 12 Q. That's a very high volume, is it not?</p> <p>13 A. I don't know -- 14 MR. BUSH: Objection.</p> <p>15 A. -- what it relates to. I can't answer 16 that. 17 BY MR. BAKER:</p> <p>18 Q. Are you familiar with the concept of 19 due diligence?</p> <p>20 A. I've heard due diligence, yes. 21 Q. Do you know what due diligence is in 22 the context of implementing an SOM policy?</p> <p>23 A. I can't say I know off the top of my 24 head, no.</p>
<p style="text-align: right;">Page 271</p> <p>1 MR. BUSH: Wait, wait, wait. 2 BY MR. BAKER:</p> <p>3 Q. -- I have the right to ask you 4 questions about the volume of product being 5 slipped out of your distribution centers. You 6 understand that, don't you?</p> <p>7 MR. BUSH: Understand what, that 8 you have the right to ask her the question?</p> <p>9 MR. BAKER: Yes. 10 BY MR. BAKER:</p> <p>11 Q. So whether you got the e-mail or not 12 is not a valid objection. I'm just asking 13 about your reiteration of the volume that's 14 going out of your distribution centers of the 15 company that you work for. Do you understand 16 that?</p> <p>17 A. I understand what you're saying. 18 Q. Okay. 19 A. But --</p> <p>20 Q. So what we're talking about is a 21 volume of orders of approximately six to eight 22 million records nightly; is that correct?</p> <p>23 MR. BUSH: Objection. 24 A. That's what this e-mail says.</p>	<p style="text-align: right;">Page 273</p> <p>1 Q. As CVS DEA Compliance Coordinator, is 2 it true that you do not know what due 3 diligence is in the context of implementing an 4 SOM policy?</p> <p>5 A. I didn't -- did not manage SOMs, so, 6 no, I don't know.</p> <p>7 Q. So you don't know what CVS did or 8 failed to do with respect to due diligence 9 during the entire time that you were the CVS 10 DEA Compliance Coordinator, true?</p> <p>11 A. I did not manage SOMs, so I do not 12 know what they did.</p> <p>13 Q. Okay. Earlier you were asked several 14 questions about whether or not you could audit 15 a system that was not already in place, 16 specifically referencing the suspicious order 17 monitoring system that was first put into 18 the -- that was put into the standard 19 operating procedure 8/25/10. Do you recall 20 that line of questions?</p> <p>21 MR. BUSH: I object to that. I 22 don't think that's an accurate account of what 23 the questions were, but -- 24 MR. BAKER: I'll withdraw the</p>

<p style="text-align: right;">Page 274</p> <p>1 question.</p> <p>2 BY MR. BAKER:</p> <p>3 Q. Let me show you Exhibit No. 100.</p> <p>4</p> <p>5 (Exhibit No. 100 marked for</p> <p>6 identification.)</p> <p>7</p> <p>8 BY MR. BAKER:</p> <p>9 Q. This is an e-mail by you dated 8/26 of</p> <p>10 '08. Have you seen this e-mail before?</p> <p>11 A. I don't recall it.</p> <p>12 Q. Do you recall sending this e-mail?</p> <p>13 A. I don't recall.</p> <p>14 Q. Did you send this e-mail?</p> <p>15 A. This says I did. I don't recall.</p> <p>16 Q. Does it look like you sent this</p> <p>17 e-mail? Is that your name, Amy Propatier?</p> <p>18 A. Yes.</p> <p>19 Q. And is this referencing the final DEA</p> <p>20 SOP of 2008?</p> <p>21 A. That's what it looks like it's</p> <p>22 referencing, yes.</p> <p>23 Q. There was no suspicious order</p> <p>24 monitoring program described in the DEA SOP of</p>	<p style="text-align: right;">Page 276</p> <p>1 please? Go to the portion that has</p> <p>2 Subparagraph B at the bottom.</p> <p>3 Now, you see there where it talks</p> <p>4 about suspicious order monitoring. It says,</p> <p>5 "These parameters are documented in SOP," and</p> <p>6 then it's blank.</p> <p>7 And then it says, "Order quantity</p> <p>8 parameters for controlled drugs," then it</p> <p>9 says, "developed and written," correct?</p> <p>10 A. That's what it says.</p> <p>11 Q. So there was no SOM to insert into the</p> <p>12 SOP as of 2/20/09. It's because you were</p> <p>13 working on it, correct?</p> <p>14 A. I can't say that I was working on it.</p> <p>15 People were working on it.</p> <p>16 Q. Who is "we"?</p> <p>17 A. I said people were working on it.</p> <p>18 MR. BUSH: Excuse me, I'm just</p> <p>19 trying to understand the document which</p> <p>20 looks -- I'm not sure I've got what -- this</p> <p>21 looks like a --</p> <p>22 THE WITNESS: It's the -- just a</p> <p>23 portion of the SOP.</p> <p>24 MR. BAKER: Correct.</p>
<p style="text-align: right;">Page 275</p> <p>1 2008, correct?</p> <p>2 A. Correct.</p> <p>3 Q. In fact, this e-mail says it doesn't</p> <p>4 include SOM, which is suspicious order</p> <p>5 monitoring, because we were still working on</p> <p>6 that piece, correct?</p> <p>7 A. That's what it says.</p> <p>8 Q. Let's move to Exhibit No. 101.</p> <p>9</p> <p>10 (Exhibit No. 101 marked for</p> <p>11 identification.)</p> <p>12</p> <p>13 BY MR. BAKER:</p> <p>14 Q. This is an e-mail dated 2/24/09 from</p> <p>15 you, Amy Propatier, correct --</p> <p>16 A. Yes.</p> <p>17 Q. -- to Laura Miranda; is that correct?</p> <p>18 A. She's cc'd on it.</p> <p>19 Q. And in that e-mail it says, "Regarding</p> <p>20 the DEA SOP 2/20/09." It says, "Attached</p> <p>21 is the Rx SOP."</p> <p>22 And you see it is attached, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And could you pull up that attachment,</p>	<p style="text-align: right;">Page 277</p> <p>1 MR. BUSH: Right, but the -- I</p> <p>2 got two pages.</p> <p>3 MR. BAKER: Here you go, here,</p> <p>4 here. That's what you should be looking at.</p> <p>5 THE WITNESS: It's just a</p> <p>6 portion. They just pulled out a page. They</p> <p>7 didn't print the full SOP.</p> <p>8 MR. BUSH: Why does it have the</p> <p>9 same Bates number for two different pages</p> <p>10 though?</p> <p>11 MR. BAKER: I do not know.</p> <p>12 MR. BUSH: 90582, whatever.</p> <p>13 MR. BAKER: It's probably a</p> <p>14 pullout, 90582.</p> <p>15 MR. BUSH: Okay.</p> <p>16 MR. BAKER: The Bates number</p> <p>17 90581, 582, and 90620. So there's -- not the</p> <p>18 same.</p> <p>19 MR. BUSH: Yeah, it's not</p> <p>20 sequential. I don't know what's going on, but</p> <p>21 it's okay.</p> <p>22 MR. BAKER: It's okay.</p> <p>23 BY MR. BAKER:</p> <p>24 Q. So we know that there really is no SOM</p>

<p style="text-align: right;">Page 278</p> <p>1 to insert into the SOP, 2/20/09, correct?</p> <p>2 A. SOM document.</p> <p>3 Q. Correct. It's being worked on at that</p> <p>4 time, correct?</p> <p>5 A. Document, correct.</p> <p>6 Q. Correct?</p> <p>7 A. Correct.</p> <p>8 Q. If you go back to 2007, we'll look at</p> <p>9 Exhibit No. 99.</p> <p>10</p> <p>11 (Exhibit No. 99 marked for</p> <p>12 identification.)</p> <p>13</p> <p>14 BY MR. BAKER:</p> <p>15 Q. This is an e-mail dated November 28,</p> <p>16 2007 from Amy Lynn Brown to James Morris,</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. That's when you were going by the last</p> <p>20 name Brown before you took the name Propatier,</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. And this is regarding the new Rx DEA</p> <p>24 SOP, correct?</p>	<p style="text-align: right;">Page 280</p> <p>1 Q. And of course, on the next page, it</p> <p>2 says, "We are still in the process of writing</p> <p>3 the suspicious order monitoring section of the</p> <p>4 SOP. We will forward it once it is</p> <p>5 completed," correct?</p> <p>6 A. Yeah, correct.</p> <p>7 Q. So we know historically now that there</p> <p>8 was no suspicious order monitoring document</p> <p>9 that was inserted into the SOP at 2007,</p> <p>10 correct?</p> <p>11 A. For this SOP, no.</p> <p>12 Q. We know, from looking at Exhibit 101</p> <p>13 that I just showed you, as of 2/24/09, when</p> <p>14 there was a DEA SOP dated 2/20/09, that there</p> <p>15 was no suspicious order monitoring document</p> <p>16 inserted into that SOP either, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Because it was being developed and</p> <p>19 written, correct?</p> <p>20 A. The written portion, yes.</p> <p>21 Q. And we know that -- from the documents</p> <p>22 presented today that there was no suspicious</p> <p>23 order monitoring system in a written form put</p> <p>24 into the SOP, the standard operating</p>
<p style="text-align: right;">Page 279</p> <p>1 A. Yes, correct.</p> <p>2 Q. And the reason it's new is because</p> <p>3 there wasn't one in existence beforehand,</p> <p>4 correct?</p> <p>5 A. This SOP, no.</p> <p>6 Q. And it says that -- at the bottom it</p> <p>7 says, from Amy Lynn Brown, Tuesday, November</p> <p>8 27, 2007. It says, "In late August, we meet</p> <p>9 to review a new SOP in development for the DEA</p> <p>10 and controlled drug process," correct?</p> <p>11 A. Correct.</p> <p>12 Q. This is August of when -- or late</p> <p>13 August we meet -- should it have said "in late</p> <p>14 August we met"? Is that what it probably</p> <p>15 should have said?</p> <p>16 A. It's probably what it should have</p> <p>17 said.</p> <p>18 Q. It says, "Not all Rx DCs had a</p> <p>19 representative at the meeting, so I'm</p> <p>20 forwarding a copy for your review. We are</p> <p>21 looking to implement the new SOP in early</p> <p>22 December."</p> <p>23 That's what it says, correct?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 281</p> <p>1 procedure, until August 25 of 2010, correct?</p> <p>2 A. The written portion, right, 2010.</p> <p>3 MR. BUSH: Do you want a break?</p> <p>4 THE WITNESS: We can keep</p> <p>5 going.</p> <p>6 MR. BAKER: I'm going to take a</p> <p>7 break.</p> <p>8 THE VIDEOGRAPHER: The time is</p> <p>9 3:23 p.m. and we're off the record.</p> <p>10</p> <p>11 (Recess taken from 3:23 p.m.</p> <p>12 to 3:37 p.m.)</p> <p>13</p> <p>14 THE VIDEOGRAPHER: The time is</p> <p>15 3:37 p.m. and we're on the record.</p> <p>16 BY MR. BAKER:</p> <p>17 Q. We're back on record. William Baker.</p> <p>18 I'm talking to Amy Propatier.</p> <p>19 Ms. Propatier, I'm going to show you</p> <p>20 what's marked as Exhibit 78.</p> <p>21</p> <p>22 (Exhibit No. 78 marked for</p> <p>23 identification.)</p> <p>24</p>

<p style="text-align: right;">Page 282</p> <p>1 MR. BAKER: Excuse me, we're 2 back on the record. If you all could put your 3 phones on mute, we would appreciate it. Could 4 you do that, please? 5 MR. BUSH: I have some extra 6 documents from you at one point. 7 (Pause in proceedings.) 8 MR. BAKER: Back on the record. 9 BY MR. BAKER: 10 Q. Ms. Propatier, I handed you Exhibit 11 78. This is a settlement agreement. 12 Have you ever seen this settlement 13 agreement before? 14 A. No. 15 Q. The first one is Bates Number 60805. 16 Do you see that? It's a settlement agreement 17 with -- in Maryland with a CVS entity that was 18 fined \$8 million for dispensing drugs with no 19 valid prescription. 20 Do you see that? 21 MR. BUSH: Objection. 22 A. I don't see where it says that, I'm 23 sorry. 24 BY MR. BAKER:</p>	<p style="text-align: right;">Page 284</p> <p>1 settlement agreement with Long Island? 2 MR. BAKER: I'm sorry, let me 3 repeat the question. 4 BY MR. BAKER: 5 Q. This is Document No. 60839. It's part 6 of Exhibit 78 composite. It's a settlement 7 agreement with CVS for violations that 8 occurred in Nassau and Suffolk counties in 9 Long Island in the State of New York. 10 Do you see that? 11 MR. BUSH: Objection. Go ahead. 12 A. Yes, I see it. 13 BY MR. BAKER: 14 Q. This resulted in a fine of \$1.5 15 million to CVS regarding thefts and losses of 16 controlled substances and, in particular, 17 hydrocodone. 18 Are you familiar with this? 19 A. No, I am not. 20 Q. Were you informed about this 21 settlement agreement when it occurred? 22 A. No, I was not. 23 Q. The date on this settlement agreement, 24 on Bates No. 60846, is June 15 2018. What was</p>
<p style="text-align: right;">Page 283</p> <p>1 Q. Have you ever seen this settlement 2 agreement before? 3 MR. BUSH: Objection. 4 A. No, I have not. 5 BY MR. BAKER: 6 Q. As CVS DEA Compliance Coordinator, 7 were you ever told about this settlement 8 agreement? 9 A. No, I was not. 10 Q. Okay. Are you familiar with CVS being 11 fined that amount of money, \$8 million, for 12 dispensing controlled substances without a 13 valid prescription for legitimate medical 14 purposes? 15 MR. BUSH: Objection. 16 A. No, I am not. 17 BY MR. BAKER: 18 Q. Let me ask you to look at the next 19 one. It's Bates number 60839. This is a 20 settlement agreement with Long Island, 21 New York. 22 Have you ever seen this document? 23 A. No, I have not. 24 MR. BUSH: You said it's a</p>	<p style="text-align: right;">Page 285</p> <p>1 your position with the company at that point? 2 A. I'm sorry, June 15 2018? 3 Q. Yes, ma'am. 4 A. Pharmacy inventory manager. 5 Q. Did you cease to be CVS DEA Compliance 6 Coordinator? 7 A. Yes. 8 Q. The next agreement is dated 7, August 9 2015. It's Bates number 60847. Do you see 10 that? 11 A. Yes. 12 Q. It's a settlement agreement between 13 CVS and the United States Attorney's Office 14 for the District of Rhode Island on behalf of 15 the United States DEA. 16 Do you see that in the first 17 paragraph? 18 A. Oh, all right, sorry. Yes, I see 19 that. 20 Q. And this is related to filling 21 prescriptions without a legitimate medical 22 purpose on October 2013 through March of 2015 23 and the Rhode Island CVS pharmacies being 24 investigated.</p>

<p style="text-align: right;">Page 286</p> <p>1 Are you familiar with this?</p> <p>2 A. I am not.</p> <p>3 Q. Were you at the time that</p> <p>4 investigation was going on, between October of</p> <p>5 2013 and March 2015, the CVS DEA Compliance</p> <p>6 Coordinator?</p> <p>7 A. I left that position in February of</p> <p>8 2014.</p> <p>9 Q. During a portion of the time, were you</p> <p>10 then CVS DEA Compliance Coordinator at least</p> <p>11 between October 2013 and the month of '14 that</p> <p>12 this investigation was going on?</p> <p>13 A. Yes.</p> <p>14 Q. The violation is -- according to this</p> <p>15 agreement is for filling prescription without</p> <p>16 a valid -- without valid DEA numbers</p> <p>17 associated with the prescriptions.</p> <p>18 Are you familiar with that?</p> <p>19 A. I am not.</p> <p>20 Q. And these were for Class III drugs or</p> <p>21 Schedule III drugs, which are hydrocodone.</p> <p>22 Did you know that?</p> <p>23 MR. BUSH: Objection.</p> <p>24 A. I did not.</p>	<p style="text-align: right;">Page 288</p> <p>1 MR. BUSH: Objection. I think</p> <p>2 that misstates the dates in the record.</p> <p>3 MR. BAKER: I think --</p> <p>4 MR. BUSH: I'm looking at the</p> <p>5 same document you are.</p> <p>6 MR. BAKER: Let me go back on</p> <p>7 record. The objection's well taken.</p> <p>8 BY MR. BAKER:</p> <p>9 Q. If you look at Page 2 of the</p> <p>10 agreement, Paragraph F, it says, "The United</p> <p>11 States contends that in early 2012 DEA</p> <p>12 Sacramento Field Division noticed an increased</p> <p>13 number of thefts and unexplained losses of</p> <p>14 hydrocodone, a Schedule III controlled</p> <p>15 substances, at that time reported by numerous</p> <p>16 EDCA CVS pharmacy retail stores."</p> <p>17 Do you see that?</p> <p>18 A. I see that.</p> <p>19 Q. And do you remember earlier I was</p> <p>20 showing you a document where 68,000</p> <p>21 hydrocodone pills had disappeared?</p> <p>22 Do you remember that?</p> <p>23 A. I remember that.</p> <p>24 Q. Here's another example of it occurring</p>
<p style="text-align: right;">Page 287</p> <p>1 Q. And the fine was \$450,000. Are you</p> <p>2 familiar with that, according to this</p> <p>3 agreement?</p> <p>4 A. I am not.</p> <p>5 Q. The next is a settlement agreement</p> <p>6 Bates 60856. And this is a settlement</p> <p>7 agreement between CVS and the Eastern District</p> <p>8 of California on behalf of the Drug</p> <p>9 Enforcement Administration for the United</p> <p>10 States of America.</p> <p>11 Do you see that in the first paragraph</p> <p>12 there?</p> <p>13 A. Yes.</p> <p>14 Q. And the document describes the</p> <p>15 violations as theft and unexplained losses of</p> <p>16 hydrocodone reported by numerous CVS stores in</p> <p>17 early 2012 in the State of California.</p> <p>18 Have you ever been informed of this?</p> <p>19 A. No, not that I recall.</p> <p>20 Q. As CVS DEA Compliance Coordinator,</p> <p>21 holding that title at the time this settlement</p> <p>22 agreement was entered into, was this part of</p> <p>23 what the CVS DEA Compliance Coordinator would</p> <p>24 have been responsible for handling?</p>	<p style="text-align: right;">Page 289</p> <p>1 in California, correct?</p> <p>2 MR. BUSH: Objection.</p> <p>3 BY MR. BAKER:</p> <p>4 Q. Is that correct?</p> <p>5 MR. BUSH: Objection.</p> <p>6 A. It's showing a theft.</p> <p>7 BY MR. BAKER:</p> <p>8 Q. Is that diversion?</p> <p>9 MR. BUSH: Objection.</p> <p>10 A. I don't have enough information.</p> <p>11 BY MR. BAKER:</p> <p>12 Q. Okay. If you look at Paragraph G, it</p> <p>13 says, "United States contends that the</p> <p>14 violations were failure to maintain Schedule</p> <p>15 III to V invoices, failure to maintain</p> <p>16 Schedule III to V records separate from</p> <p>17 noncontrolled substance record, failure to</p> <p>18 conduct a biennial inventory on one specific</p> <p>19 day, failure to maintain complete and accurate</p> <p>20 records, failure to record the date of</p> <p>21 acquisition of controlled substances. CVS</p> <p>22 failed to record the amount received on</p> <p>23 Schedule III to V invoices. CVS failed to</p> <p>24 record the amount received and the date</p>

Page 290

1 received on DEA 222 forms. CVS failed to
2 maintain DEA 222 forms and CVS failed to
3 maintain DEA 222 forms separate from other
4 records."

5 Do you see those are the violations
6 recorded?

7 MR. BUSH: Excuse me, objection.
8 Those are -- this is contentions of the U.S.
9 BY MR. BAKER:

10 Q. Do you see those are the contentions
11 within the settlement agreement?

12 A. I see that.

13 Q. And do you have any reason to disagree
14 that CVS committed those contentious
15 violations?

16 MR. BUSH: Objection.

17 A. Do I have any reason to believe what,
18 I'm sorry?

19 BY MR. BAKER:

20 Q. CVS did not commit those violations
21 within those contentions.

22 A. I don't know enough about this to
23 answer that.

24 Q. Do you see that -- on Page 60859 of

Page 291

1 that agreement that CVS was fined \$5 million
2 for those contentions of violations?

3 MR. BUSH: Objection.

4 A. I see a settlement agreement for
5 5,000.

6 Q. \$5 million?

7 A. I mean, 5 million.

8 Q. It says, "In consideration of the
9 obligations of the parties set forth in this
10 settlement agreement, CVS shall pay to the
11 United States the total sum of \$5 million
12 within fourteen days after the effective date
13 of this agreement."

14 Is that what it says?

15 A. Yes.

16 Q. So CVS was fined \$5 million by the
17 DEA, correct?

18 MR. BUSH: Objection. Misstates
19 the document.

20 A. I don't know if that's a fine.

21 Q. CVS entered into settlement agreement
22 and paid \$5 million for contended violations,
23 correct?

24 MR. BUSH: Objection.

Page 292

1 A. I -- yeah, I see they settled into an
2 agreement.

3 Q. The next one is a settlement agreement
4 that begins on Bates number 60872. "This is a
5 settlement agreement entered into between the
6 United States of America acting through the
7 United States Department of Justice and its
8 DEA for the New England Field Division, Boston
9 Office of Diversion, collectively the United
10 States and CVS Pharmacy, Inc., hereafter
11 referred to as the parties."

12 Do you see that?

13 A. I see.

14 Q. And it talks about the CVS being a
15 Rhode Island corporation, headquarters located
16 in Woonsocket, Rhode Island.

17 Do you see that?

18 A. Yes, I do.

19 Q. That's where you work; is that
20 right?

21 A. It is.

22 Q. Were you not familiar with this
23 settlement agreement?

24 A. I don't recall ever seeing this.

Page 293

1 Q. You see that on the terms of the
2 settlement agreement, on Paragraph 1, it says,
3 "No later than ten days after the date on
4 which this agreement is signed by all parties,
5 CVS shall pay the United States \$3.5 million."

6 Do you see that?

7 A. I see that.

8 Q. And these were for alleged violations
9 of the Controlled Substances Act.

10 Are you familiar with that?

11 MR. BUSH: Objection.

12 A. Am I familiar with these violations?

13 BY MR. BAKER:

14 Q. Yes, ma'am?

15 A. No, I'm not.

16 Q. It says here, in Paragraph E, in the
17 recitals on Page 1, that "United States
18 contends that it has certain civil claims
19 against CVS arising from CVS having filled --
20 filled the 523 forged opioid prescriptions
21 listed in Attachment A hereto."

22 Do you see that?

23 A. I see that.

24 Q. And it says, "The filling of these 523

Page 294

1 forged prescriptions is referred to below as
2 the covered conduct."
3 Do you see that?
4 A. I see that.
5 Q. And that's what CVS was fined \$3.5
6 million for in this settlement agreement; is
7 that correct?
8 MR. BUSH: Objection.
9 A. I -- I don't know.
10 BY MR. BAKER:
11 Q. That's what CVS --
12 MR. BUSH: Let her finish the
13 answer, okay.
14 MR. BAKER: She said she didn't
15 know.
16 BY MR. BAKER:
17 Q. That's -- that is the contention of
18 violation that resulted in a terms of
19 agreement for CVS to pay \$3.5 million to the
20 DEA, correct --
21 MR. BUSH: Objection.
22 BY MR. BAKER:
23 Q. -- according to this?
24 MR. BUSH: Objection.

Page 295

1 A. I mean, I'm not really sure what I'm
2 reading, so I can't say.
3 BY MR. BAKER:
4 Q. Well, the agreement will speak for
5 itself, but it does say, "No later than ten
6 days after the date on which this agreement is
7 signed by all parties, CVS shall pay the
8 United States \$3.5 million." Does it not say
9 that?
10 A. It does say that.
11 Q. The next is an agreement stipulated
12 September 2, 2014, between United States of
13 America and the Southern District of Texas
14 acting on behalf of the DEA.
15 Do you see that?
16 A. I do.
17 Q. And also includes, in the settlement
18 agreement, "CVS Pharmacy, Inc., whose
19 corporate headquarters are in Woonsocket,
20 Rhode Island."
21 Do you see that?
22 A. Yes.
23 Q. And that's where you work; is that
24 correct?

Page 296

1 A. I do.
2 Q. Now, go to Paragraph 7 on Page 2. It
3 says, "The United States contends that it has
4 certain civil claims against CVS for engaging
5 in the following conduct from April 1, 2012 to
6 July 31, 2012," and then it lists those.
7 Do you see those?
8 A. Yes.
9 Q. The question is: Were you the acting
10 CVS DEA Compliance Coordinator during the time
11 that these alleged civil claims occurred?
12 A. Yes.
13 Q. It says here -- describes the civil
14 claims. It says "During a DEA investigation
15 into the prescription writing practice of
16 Dr. Pedro Garcia, it was discovered that eight
17 separate CVS pharmacies filled 153
18 prescriptions for controlled substances
19 written by Dr. Garcia during a time period
20 during which his Texas Department of Public
21 Safety Controlled Substances registration was
22 expired."
23 Is that correct? That's what it
24 says?

Page 297

1 A. That's what it says.
2 Q. It says "Specifically the following
3 CVS pharmacies filled the invalid
4 prescriptions for controlled substances issued
5 by Dr. Garcia: CVS Pharmacy 06989 at 4102
6 Ayers Street, Corpus Christi, Texas, 7841 DEA
7 registration number," and it gives it; CVS
8 Pharmacy 06911, Corpus Christi, Texas, gives
9 DEA registration number; CVS Pharmacy 07004 in
10 Corpus Christi, Texas and it gives its DEA
11 registration; CVS Pharmacy in Portland, Texas
12 and it gives its DEA registration; CVS
13 pharmacy in Corpus Christi, Texas and it gives
14 the DEA registration number; CVS Pharmacy in
15 Edinburg, Texas and gives its DEA registration
16 number; CVS pharmacy in Corpus Christi, Texas;
17 CVS Pharmacy 02580 in Corpus Christi, it gives
18 its DEA registration number; and CVS Pharmacy
19 07080 in Robstown, Texas, giving its CVS
20 registration number.
21 Did you see those listed pharmacies
22 where the alleged violations occurred within
23 the agreement?
24 A. Yes.

<p style="text-align: right;">Page 298</p> <p>1 Q. And it says "The above detailed</p> <p>2 actions were in violation of 21 U.S.C. 829 and</p> <p>3 842, A.1, and the applicable regulations</p> <p>4 promulgated thereunder," correct?</p> <p>5 MR. BUSH: You're asking whether</p> <p>6 it says that?</p> <p>7 BY MR. BAKER:</p> <p>8 Q. Does it say that?</p> <p>9 A. I'm sorry, where does --</p> <p>10 Q. It says that "Above detailed actions</p> <p>11 were in violation of 21 U.S.C, Section 829 and</p> <p>12 842, A.1."</p> <p>13 Does it say that?</p> <p>14 A. It does say that.</p> <p>15 Q. And under the terms and conditions, it</p> <p>16 says that -- under Paragraph 13, "CVS will pay</p> <p>17 the sum of \$1,912,500 to the United States by</p> <p>18 electronic funds transfer pursuant to written</p> <p>19 instructions provided by the United States,"</p> <p>20 correct?</p> <p>21 A. It does say that.</p> <p>22 Q. Were you informed about this when you</p> <p>23 were CVS DEA Compliance Coordinator?</p> <p>24 A. No, I was not.</p>	<p style="text-align: right;">Page 300</p> <p>1 (Recess taken from 3:56 p.m.</p> <p>2 to 3:57 p.m.)</p> <p>3</p> <p>4 THE VIDEOGRAPHER: The time</p> <p>5 is 3:57 p.m. We're on the record.</p> <p>6</p> <p>7 CROSS-EXAMINATION</p> <p>8 BY MR. GOETZ:</p> <p>9 Q. Good afternoon, Ms. Propatier. I will</p> <p>10 only be a few minutes. Who is Ron Link?</p> <p>11 A. Ron Link was the vice president of</p> <p>12 logistics.</p> <p>13 Q. Pretty high-up individual at CVS?</p> <p>14 A. Yes.</p> <p>15 Q. And what is VAWD?</p> <p>16 A. Verified accredited wholesale</p> <p>17 distributor.</p> <p>18 Q. And the CVS distribution centers would</p> <p>19 want to be VAWD certified, correct?</p> <p>20 A. Correct.</p> <p>21 Q. And that was a big deal, correct?</p> <p>22 A. It was -- it was nice to have.</p> <p>23 Q. And, in fact, some states, it's</p> <p>24 necessary in order to distribute drugs. Are</p>
<p style="text-align: right;">Page 299</p> <p>1 Q. Were you informed, while you were CVS</p> <p>2 DEA Compliance Coordinator, that there were</p> <p>3 violations in the State of Florida alleged by</p> <p>4 the United States DEA through the Department</p> <p>5 of Justice against Florida distribution</p> <p>6 centers related to failure to timely and</p> <p>7 detect and report suspicious orders?</p> <p>8 A. Not that I recall.</p> <p>9 Q. Were you aware that \$22 million fine</p> <p>10 was issued against CVS for those violations in</p> <p>11 Florida?</p> <p>12 A. Not that I recall.</p> <p>13 Q. Has CVS been guilty of diversion with</p> <p>14 respect to hydrocodone combination products</p> <p>15 during the past six years?</p> <p>16 A. I can't answer that. I don't know.</p> <p>17 MR. BAKER: I'm going to turn it</p> <p>18 over to my partner and I'm finished with my</p> <p>19 questions.</p> <p>20 THE WITNESS: Thank you.</p> <p>21 THE VIDEOGRAPHER: The time is</p> <p>22 3:56 p.m. We're off the record.</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 301</p> <p>1 you aware of that?</p> <p>2 A. I'm not sure.</p> <p>3 Q. Do you remember, in 2010, when CVS had</p> <p>4 a problem with its VAWD certification?</p> <p>5 A. I don't recall.</p> <p>6 Q. Do you -- are you aware that VAWD</p> <p>7 resurveys the facilities every three years?</p> <p>8 A. Yes.</p> <p>9 Q. And so if there was a survey in mid to</p> <p>10 late 2010, we can assume that the earlier</p> <p>11 survey was mid to late 2007, correct?</p> <p>12 A. I would imagine, yes.</p> <p>13 Q. I'm going to show you what's been</p> <p>14 marked as Exhibit 203 and -- 223. And I</p> <p>15 apologize, I only have two copies. I haven't</p> <p>16 marked it.</p> <p>17</p> <p>18 (Exhibit No. 223 marked for</p> <p>19 identification.)</p> <p>20</p> <p>21 VOICE: Is there a Bates number?</p> <p>22 MR. GOETZ: There is a Bates</p> <p>23 number, 66963.</p> <p>24 VOICE: Thank you.</p>

<p style="text-align: right;">Page 302</p> <p>1 MR. BUSH: To 66966.</p> <p>2 BY MR. GOETZ:</p> <p>3 Q. Are you done reviewing it? Take your</p> <p>4 time.</p> <p>5 A. (Witness reviews document.)</p> <p>6 Yeah.</p> <p>7 Q. Did you have a chance to review</p> <p>8 that?</p> <p>9 A. I looked at it, yes.</p> <p>10 Q. Do you recognize that document?</p> <p>11 A. I don't recall it.</p> <p>12 Q. It's an e-mail that you are copied on,</p> <p>13 at least part of the string, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And it's an e-mail related to the VAWD</p> <p>16 recertification where CVS was having problems</p> <p>17 with VAWD recertification, correct?</p> <p>18 A. I don't know if it's problems, but it</p> <p>19 talks about, yes, recertification.</p> <p>20 Q. Well -- I'm sorry, did I cut you off?</p> <p>21 A. No, no, I'm okay.</p> <p>22 Q. If you -- let's -- instead of going</p> <p>23 through all three pages, if you --</p> <p>24 A. Yeah.</p>	<p style="text-align: right;">Page 304</p> <p>1 issues that have to be resolved?</p> <p>2 A. Uh-huh.</p> <p>3 Q. Correct?</p> <p>4 A. Yes.</p> <p>5 Q. And the last e-mail of the string is</p> <p>6 actually from Frank Devlin.</p> <p>7 Do you see that?</p> <p>8 A. The at the very top?</p> <p>9 Q. Yes.</p> <p>10 A. Yes.</p> <p>11 Q. It's to Ron Link, correct?</p> <p>12 A. Uh-huh, yes.</p> <p>13 Q. And it says, "VAWD items," correct?</p> <p>14 A. Yes.</p> <p>15 Q. And it has an importance of high?</p> <p>16 A. Yes.</p> <p>17 Q. And if you're sending something to Ron</p> <p>18 Link who's high up at CVS, it has to be</p> <p>19 important if you're sending it high</p> <p>20 importance. Do you agree?</p> <p>21 A. I don't know if I disagree, so.</p> <p>22 Q. Did you send much e-mail to Ron Link?</p> <p>23 A. I've sent him e-mails. I can't recall</p> <p>24 specifically how many or what they regarded,</p>
<p style="text-align: right;">Page 303</p> <p>1 Q. -- look at 66965 --</p> <p>2 A. Okay.</p> <p>3 Q. -- there's an e-mail from Paul Hamby.</p> <p>4 Do you know who Paul Hamby is?</p> <p>5 A. I don't recall who he is.</p> <p>6 Q. Do you know who Cegedim is?</p> <p>7 A. I don't think that's how you say it,</p> <p>8 but you've seen the name, yeah.</p> <p>9 Q. Do you know how to say it?</p> <p>10 A. I think they say it Cegedim, Cegedim</p> <p>11 Dendrite.</p> <p>12 Q. We've been call it CCS because I don't</p> <p>13 know how to say it.</p> <p>14 A. Don't worry.</p> <p>15 Q. It's Paul Hamby to Frank Devlin. And</p> <p>16 it says, "Hi, Frank. I understand you guys</p> <p>17 may need some help with NABP/VAWD. I think I</p> <p>18 understand from Ron you need assistance with</p> <p>19 resolving some items to get your VAWD renewals</p> <p>20 processed."</p> <p>21 Did I read that correctly?</p> <p>22 A. You did.</p> <p>23 Q. Okay. And so that is the first e-mail</p> <p>24 in this string that relates to some VAWD</p>	<p style="text-align: right;">Page 305</p> <p>1 but I did send him e-mails.</p> <p>2 Q. It was unusual?</p> <p>3 A. I don't know -- I wouldn't say if it</p> <p>4 was unusual.</p> <p>5 Q. Okay. It says -- this is what Frank</p> <p>6 says: "Ron, we need to get our VAWD</p> <p>7 recertification completed. Amy is continuing</p> <p>8 to run into issues. I have enlisted Buzzeo's</p> <p>9 group to work with her, Frank."</p> <p>10 Can you tell me what issues you were</p> <p>11 running into?</p> <p>12 A. I don't recall.</p> <p>13 Q. Do you remember that a report was</p> <p>14 generated?</p> <p>15 A. I remember they gave, like, a report.</p> <p>16 Q. Okay. And do you remember what that</p> <p>17 report said?</p> <p>18 A. I don't recall.</p> <p>19</p> <p>20 (Exhibit No. 224 marked for</p> <p>21 identification.)</p> <p>22</p> <p>23 BY MR. GOETZ:</p> <p>24 Q. I'm going to hand you what has been</p>

<p style="text-align: right;">Page 306</p> <p>1 marked as Exhibit 224 and it is Bates 2 number -- begins at 66969. Do you recognize 3 that document as the VAWD report? 4 A. Yes. It looks like a VAWD report, 5 yes. 6 Q. And this is a VAWD report from 7 September 16 of 2010, correct? 8 A. Yes. 9 Q. And it relates to different facilities 10 -- CVS distribution facilities, correct? 11 A. I think it relates to Indianapolis, 12 but -- it says "Indianapolis" at the top, yes. 13 Q. And could you go to -- feel free to 14 read the whole thing, if you want. I have 15 time. 16 A. Where did you want me to go? 17 Q. Could you go to 66972, please? And, 18 the last block where it says, "reviewer 19 comments"? 20 A. Yes. 21 Q. And those are comments that are 22 actually made by VAWD, correct? 23 A. I don't recall. 24 Q. I think if you read the whole</p>	<p style="text-align: right;">Page 308</p> <p>1 product, not controlled product there. 2 Q. So what is the difference? 3 A. They're nonregulated. They're just 4 regular noncontrolled drugs. 5 Q. I appreciate that. I didn't know 6 that. 7 A. Yeah, that's -- C6s. 8 Q. Does this at all relate, this 9 document -- was any of the VAWD certification 10 related to the controlled substances? 11 MR. BUSH: You want her to look 12 through the whole document? 13 BY MR. GOETZ: 14 Q. Or do you remember? 15 A. Do any of their -- 16 Q. Yes. Do you remember that? 17 A. (Witness reviews document.) 18 Q. Let me ask you a question. 19 A. Yes. 20 Q. We can maybe make this quicker. 21 A. Yes. 22 Q. Is it your understanding that VAWD 23 requirements would require your SOP to contain 24 a section on prescription products?</p>
<p style="text-align: right;">Page 307</p> <p>1 structure of this document, that would become 2 apparent? 3 A. Okay. 4 Q. But here's what it says. Could you 5 read that into the record? 6 A. Starting at the -- that bullet? 7 Q. Yeah, where it says "applicant," yes. 8 A. "Applicant has provided a response 9 that inventory controls are addressed in drug 10 enforcement administration SOP, 8/25/10. This 11 is a well-written document, but it does not 12 address prescription products for 13 authentication of order -- suspicious orders, 14 reporting of suspicious orders, losses, record 15 retention, and the entire disposal process 16 including documentation and witnessing." 17 Q. And so part of the VAWD problem -- 18 does this refresh your recollection since you 19 were working on this -- Ron Link, who's high 20 up, was aware of it -- part of the VAWD issue 21 was that their feeling that suspicious and 22 reporting of suspicious orders were 23 inadequate? 24 A. They were referring to prescription</p>	<p style="text-align: right;">Page 309</p> <p>1 A. Yes -- 2 Q. Okay. And -- 3 A. -- or its own SOP. 4 Q. And was that ever changed? 5 A. I don't recall. 6 Q. Was there a separate SOP for 7 prescription products ever? 8 A. I don't remember. 9 MR. GOETZ: That is all I have. 10 Thank you for clearing that up. 11 THE WITNESS: Oh, thank you. 12 MR. BUSH: Anybody else? All 13 done? 14 MR. BAKER: I'm done. 15 16 (Exhibit No. 62 marked for 17 identification.) 18 19 THE VIDEOGRAPHER: The time is 20 4:07 p.m. This deposition has concluded and 21 we are off the record. 22 23 (Deposition concluded at 4:07 p.m.) 24</p>

Page 310	Page 312
1 CERTIFICATION	1 CORRECTION PAGE
2 I, DARLENE M. COPPOLA, a Notary Public, do hereby	2 DEPONENT: AMY PROPATIER
3 certify that AMY PROPATIER, after having satisfactorily	3 DATE TAKEN: NOVEMBER 29, 2018
4 identifying herself, came before me on the 29th day of	4 CASE: NATIONAL PRESCRIPTION OPIATE LITIGATION
5 November, 2018 in Providence, Rhode Island, Massachusetts,	5 *****
6 and was by me duly sworn to testify to the truth and	6 PAGE / LINE / SHOULD READ/REASON
7 nothing but the truth as to her knowledge touching and	7 ____/____/____
8 concerning the matters in controversy in this cause; that	8 ____/____/____
9 she was thereupon examined upon her oath and said	9 ____/____/____
10 examination reduced to writing by me; and that the	10 ____/____/____
11 statement is a true record of the testimony given by the	11 ____/____/____
12 witness, to the best of my knowledge and ability.	12 ____/____/____
13 I further certify that I am not a relative or	13 ____/____/____
14 employee of counsel/attorney for any of the parties, nor a	14 ____/____/____
15 relative or employee of such parties, nor am I financially	15 ____/____/____
16 interested in the outcome of the action.	16 ____/____/____
17 WITNESS MY HAND THIS 2nd day of December, 2018.	17 ____/____/____
18	18 ____/____/____
19	19 ____/____/____
20	20 ____/____/____
21 DARLENE M. COPPOLA My commission expires:	21 ____/____/____
22 NOTARY PUBLIC November 11, 2022	22 ____/____/____
23 REGISTERED MERIT REPORTER	23 ____/____/____
24 CERTIFIED REALTIME REPORTER	24 ____/____/____
Page 311	
1 IN THE UNITED STATES DISTRICT COURT	
2 FOR THE NORTHERN DISTRICT OF OHIO	
3 EASTERN DIVISION	
4	
5	
6 *****	
7 IN RE:	
8 NATIONAL PRESCRIPTION OPIATE	
9 LITIGATION	
10	
11 This document relates to:	
12	
13 All cases	
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15 *****	
16	
17 I, AMY PROPATIER, say that I have read the	
18 foregoing deposition and hereby declare under penalty of	
19 perjury the foregoing is true and correct:	
20 (as prepared) (as corrected on errata.)	
21 Executed this ____ day of _____, 20____,	
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